

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, APRIL 24, 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. The availability of the agenda was communicated in advance and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Present: Mayor Charlie Hatfield; Council Members Vickie Zelenka, Donnie Fisher, Laura Poskochil and Susan Eisenhauer; Kellie Wiers, Deputy City Clerk, Tamela Curtis, City Clerk/Treasurer 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 Poskochil moved to accept the April 18, 2023 special meeting minutes. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

The Treasurer submitted the following claims for consideration: **2/28/23 Payroll:** 11,818.93; **Union Bank & Trust**, FWH 3126.59; **NE Dept. of Rev**, SWH & March 2023 sales & use tax 2784.94; **John Hancock**, retirement 1624.95; **Allstate**, cancer/accid 218.06; **Ameritas**, vision 86.10; **Madison National Life**, life ins 55.09; **United Health Care**, health 6213.20; **Access Systems**, IT contract 905.30; **Windstream**, internet service @ City Office, phone @ swr plant 193.79; **Spectrum**, internet & phone @ shop 184.97; **BHE**, gas service 905.62; **PCDC**, Febr sales tax 7221.63 **Seneca Sanitation**, March 2023 garbage service/dumpster @ pond 7043.34; **Center Point Large Print**, trade plan 550.00; **Dollar General**, office supplies 27.00; **Paul Heath**, mosquito spraying 1958.40; **Lincoln WinWater Works**, hydrant ext rod 73.45; **Meyer Lab**, paint, pool/park supplies 3210.75; **NPPD**, electric service 3159.84; **Pawnee Co Treasurer**, 2022 real estate taxes 4632.20, qtrly law enforce 17,893.41; **Pawnee Republican**, publications 502.75; **Pawnee True Value**, repair supplies 176.41; **Winnelson**, street tube, 1106.15; **Capital Bus Systems**, Elevate phone system 111.94; **Diversified Drug Testing**, Empl#680 110.00; **In the Swim**, chlorine tabs 3379.87; **Transit Works**, laser level 1279.16; **Casey's**, equip fuel 347.39; **State of Nebr/Dept of Labor**, 2023 1st qtr unempl tax 87.40; **R Parks**, wtr dep refund 100.00; Council Member Zelenka 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.

PUBLIC HEARING to Discuss Pawnee City ReUse RLF Loan for SchillingBridge Winery: Council Member Zelenka moved to open the public hearing to discuss the Pawnee City ReUse RLF Loan for SchillingBridge Winery. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and public hearing opened at 7:03 pm. Winery owner Mike Schilling was present for the discussion. Kelly

Gentrup from SENDD was present by phone. There were no other members of the public present. Mr. Schilling explained he has had four loans through the ReUse programs for a total of \$371,461 principal and \$76,489.49 interest for a total of \$447,950.49. Today, the balance left on the fourth loan is 53,539.12. Even if the loan balance is forgiven, SchillingBridge will still pay back the balance on the federal funds of \$22,950.37. When Mike and Sharon Schilling took out their fourth loan, they were aware that the loan could at some point be forgiven if they met all of the criteria. The other three loans did not have the option of being forgiven. In 2018, the loan forgiveness option was added to the list of criteria for CDBG loans, and the last loan was taken out in 2019. In the last Council meeting, Schilling stated their business was affected by Covid and now they are open less hours because they cannot find help, and they closed on Friday nights because they didn't have enough business to stay open on Fridays. SchillingBridge had also received Covid funds to pay salaries during the pandemic. Also, the winery is still listed for sale as the Schillings would like to retire. Council Member Zelenka moved to close the public hearing to discuss the Pawnee City ReUse RLF Loan for SchillingBridge Winery. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and public hearing closed at 7:20 pm.

Review/Discuss/Act on Recommendation of Approval from ReUse Committee to consider forgiveness of the existing ReUse Loan to SchillingBridge Winery who have met National Objective Requirements: Council Member Eisenhower moved to approve Option #2 which would forgive 50% of the remaining balance of the loan with them continuing to make payments for 12 additional months, where the council will re-evaluate and consider forgiveness of the remainder of the loan balance. Motion died for lack of a second. Kelly Gentrup explained there is also a fifth option not listed in the agenda packet which is once a business has paid one half of the loan balance, then the remainder of the balance could be forgiven. Discussion was had on Shirley's Place as they were approved for a loan of \$50,000 with a balance of \$39,327.02. They have paid around \$14,000 on the loan. They also had the option of loan balance forgiveness. Council Member Eisenhower moved to accept Option #5 which would forgive the loan balance once one half of the principal had been paid. Motion died for lack of a second. Discussion was had on the benefit of closing out the RLF loans now versus continuing to monitor payments through the City Office. Shirley's Place has paid \$14,000 on their loan with a balance of \$39,327.02 which would be over two years in payments. It was asked what would happen if the Council didn't forgive the loans but regardless, the money still goes back to the State. Kelly Gentrup explained there are a lot of other funding options for small businesses available. Regardless of what is decided, the action should not affect the City's eligibility for future CDBG funding. Discussion was had about sales tax paid by businesses that benefit the City and how customers of the winery also spend money on gas and groceries in town. Council Member Zelenka moved to forgive the remaining balance of SchillingBridge's RLF loan (Option #1). Council Member Poskochil seconded the motion. Roll Call vote as follows: Fisher aye, Eisenhower nay, Zelenka aye, Poskochil aye, whereupon motion carried.

PUBLIC HEARING to Discuss Pawnee City ReUse RLF Loan for Shirley's Place, LLC: Council Member Fisher moved to open the public hearing to discuss the Pawnee City ReUse RLF Loan for Shirley's Place. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and public hearing opened at 7:45 pm. Owners Richard and Shawna Dietrich were not present for the public

hearing. The only person from the public present was Kelly Gentrup from SENDD by phone. No public input. Council Member Zelenka moved to close the public hearing to discuss the Pawnee City ReUse RLF Loan for Shirley's Place. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and public hearing closed at 7:46 pm.

Review/Discuss/Act on Recommendation of Approval from ReUse Committee to consider forgiveness of the existing ReUse Loan to Shirley's Place who have met National Objective Requirements:

The original loan was taken out for \$50,000 with a balance of \$39,327.02. Council Member Zelenka moved to forgive the remaining balance of the RLF loan on Shirley's Place (Option #1). Council Member Poskochil seconded the motion. Roll Call vote as follows: Fisher aye, Eisenhower nay, Zelenka aye, Poskochil aye, whereupon motion carried. Kelly Gentrup stated she will send letters to SchillingBridge Winery and Shirley's Place verifying their loans have been forgiven. Clerk Curtis stated that Shirley's Place pays their loan payments by automatic debit at the end of the month so they will need to be notified very soon.

Review/Accept Letter of Resignation from Natasha Johnson with her last day at PC Public Library to be April 26, 2023:

Clerk Curtis explained Library Director Lola Seitz had stated to her that Ms. Johnson's letter of resignation will be accepted at the next library board meeting. Council Member Eisenhower moved to accept Natasha Johnson's letter of resignation with her last day being April 26, 2023. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss request to purchase 10 acres of Well Pastureland from the City: Clerk Curtis had discussed this request with City Atty Ferebee who advised that since this is City property, the sale of the land needs to be put out for bids according to state statute 8-06. Therefore, this land cannot be sold in a private sale. Also, if this land is sold, one day, the City may need this land back to drill for another well. Foreman Cumley advised that if a house was built on this land, there would be a waste system present and one day, the wells may test high for nitrates and nitrites. Also, currently, Table Rock has lost a well and is in a situation of having to drill for another well but not owning the land it is located on. Council Member Eisenhower moved to deny Dave Maine's request to purchase 10 acres of City Well Pasture. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss Health Insurance options through NACO (McInnes Group) for UHC & BCBS:

Clerk Curtis explained to the Council that BCBS still covers Mental Health/Chiropractic visits by deductible, coinsurance and out-of-pocket versus the current coverage under UHC with a copay. The City Employees are currently covered under a UHC plan, and they are happy with their current coverage as Mental Health/Chiropractic visits are covered with a \$15.00 copay per office visit, but the insurance premium has increased 5.6%. The City employees would like to select option B which would be an increase of \$280/month for the City. Council Member Poskochil asked if one of the new choices for health insurance had an HSA program and she will research the information received from NACO to see if there may be a better policy with HSA. Clerk Curtis stated she is concerned if the program requires the employer to track claims for their employees which would be another added responsibility. An HSA plan would require someone

to deduct money from each employee's earnings and then pay the total amount from all of the participating employees to the HSA company each month. Council Member Poskochil will research the information provided by Jane Limbach and report back to the Council at the next meeting. Council Member Poskochil moved to table this item until the May 8, 2023, meeting. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report and update from Foreman Cumley: *Discuss M Street Tube:* Foreman Cumley explained the tube on North M Street was just changed for Kosiske and Rick Gyhra stopped into the office and wants another tube on M street changed to a 40 ft. tube because he would like to build a shop there and be able to park his semi-truck and trailers there. There is a 30 ft tube in there now, but it already sticks out about 1.5 ft on each side of the road and a stop sign would have to be moved plus it would interfere with the trail. This would infringe upon the right of way and would there be enough room if he turned that corner with a 53 ft. trailer. There is a good possibility that he would be cutting into the Kosiske property and the new concrete on the trail. Clerk Curtis explained to the Council that they should enforce what streets are listed on the truck route and that M street should not be added to the truck route. Therefore, nobody should be coming off of 14th street and turning onto M street. Rick's brother Randy Gyhra parks his semi on his own property, but he doesn't park a trailer on a residential property. Mayor Hatfield advised that the Council enforce the streets listed on the truck route and not allow trucks to be parked in non-designated areas. Also, maybe have a letter sent to him from the city attorney? Would this anger him instead? Foreman reiterated that if a 40 ft. tube was installed, then the road would have to be widened and it would be helpful to contact street superintendent, Evan Wickersham to see if this is even possible because ditches would have to be moved, signs would have to be moved, etc. Council Member Eisenhower stated law enforcement would also have to enforce the truck route and parking at the truck parking lot. Clerk Curtis and Foreman Cumley will discuss this matter with City Atty Ferebee. ***Discuss Microscope for Sewer Plant:*** Foreman Cumley stated he needs a new microscope for the sewer plant and will cost around \$2450.00 as listed on the "Zees" website. He needs to set up a tax-exempt account with them also, but the microscope should not cost more than \$2450.00 and is covered by a five-year warranty. The microscope is used to identify different microbiology at the sewer plant and how well the plant is operating. Deputy Clerk Wiers offered to help Foreman Cumley set up the account and order. Council Member Zelenka moved to approve the purchase of a microscope from Zees not to exceed \$2450.99. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Burchard—jetted a sewer line:*** The crew jetted a sewer line in Burchard today which created two hours of overtime. The City charges for this service and this money is deposited into the Sewer Jet Reserve Account. ***Earth Day:*** Tomorrow is Earth Day and students from the high school will be working around town.

Report and update from Council Member Eisenhower: *Discuss Updates to Pool:* Council Member Eisenhower explained she had contacted local electricians, but one was out with knee surgery and others are too busy. Council Member Eisenhower was talking to a local electrical technician, and he recommended Brett Wilson from Auburn, Nebraska who provided an estimate of \$1860.00 which includes installing two ceiling fans (donated by Mayor Hatfield) at the pool house plus installing an outlet for the microwave. He will install a timer for the light at the North Park basketball court, a timer on the light at the VanHorne Park tennis courts, sensor lights in the

restrooms and repair broken conduit attached to the meter socket on the light pole. These tasks will be completed before Memorial Day weekend and when the pool opens but more likely completed in the next couple of weeks. Council Member Eisenhauer moved to approve the bid from Wilson Electric to complete electrical work at the pool, North Park and Van Horne Park for \$1860.00. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Froeschl Floors came to fix the floor drain in the women's locker room that doesn't drain by filling it in with concrete and finishing the floor to match the rest of the room and slope the floor, so water doesn't pool there anymore. Recently, the City Office received a call from someone who was interested in being hired as a lifeguard in Pawnee City because the pool in Humboldt will be closed for the season, but Pawnee City is currently fully staffed.

Report and updated from Clerk Curtis: *Report back from NDOT on turning 4-lane highway into a 3-lane highway:* Clerk Curtis explained she received a phone call from NDOT supervisor Dave Klepper that NDOT is not ready to address this issue at the present time as it will be quite some time before they are ready to look at the issue and don't want to cause distress among Pawnee City residents before this project is even an official project. Clerk Curtis will let the Council know when NDOT is ready to discuss this issue. ***Review emailed correspondence between Clerk Curtis and SENDD re: Housing Rehab Grant Information:*** Clerk Curtis explained several pre-applications were received at the City Office and forwarded to SENDD and several people have come in asking for pre-apps even though the cutoff date was April 15th. Ashley Larson from SENDD explained it will take about three months (August) before they will know if Pawnee City is awarded the NAHTF Housing Rehab Grant and the people who submitted pre-applications will receive actual applications in the mail from SENDD and people who didn't complete pre-applications will still be able to submit applications for the program. Clerk Curtis and Deputy Clerk Wiers stated the City Office had received at least 20 pre-applications.

Review/Discuss email from Laura Bloss re: *the idea of flying a Pawnee Flag downtown:* Council reviewed the email received at the City Office from Laura Bloss, English teacher at the Pawnee City High School requesting the Pawnee Nation flag be flown downtown. Mayor Hatfield reported that there is a possibility of flying the flag in front of the Cornerstone Building. Council Member Eisenhauer stated she had consulted with Bob Miller, Cornerstone Building project manager, about the flag. She explained that the flag could be located between the City Office and the Cornerstone Building on the lower part of the sidewalk so the flag is far enough away from the building so it doesn't hit the side of the building which will have less wind and sun damage with a halyard, so the rope doesn't hit the side of the pole. It will cost around \$2496.00 to install this pole and flag not to include labor plus concrete. This pole will be similar to the flag poles at the veterans' memorial. A plaque or sign can be displayed in the City Office window to explain the background of the flag. Council Member Poskochil asked if there was a tribal representative to contact to ask permission to display this flag? Clerk Curtis recommended speaking with Laura Bloss about it and Council Member Eisenhauer looked on the website to find a phone number. Council Member Poskochil volunteered to contact the Pawnee Nation about flying their flag downtown and report it back to the Council. Foreman Cumley advised it may be difficult to install a pole in that location due to electrical lines located in the concrete and Digger Hotline should be called. Clerk Curtis explained this expense may not be able to run

through the Cornerstone Building project funds. Mayor Hatfield suggested using the \$500 Ray Kappel donated to help pay for this. FYI: the Bruce Haughton memorial bench will be set before Memorial Day.

Review PCAL meeting minutes & Treasurer's Report: Deputy Clerk Wiers explained the PCAL Board moved to make a \$20,000 payment to the City on their loan with the City and PCAL was able to purchase a used aviary for around \$300 which is bigger and cheaper than the new aviary they were looking at that was smaller and cost around \$3000. Caralyn will be contacting the service to start supplying birds and food for the aviary which was requested by the residents. The City Crew will need to keep mowing the lot South of PCAL until ownership has been transferred to PCAL.

Correspondence: The City Council reviewed correspondence from February 2023 total Sales Tax of \$25,660.54 with ½% Street Repairs Sales Tax totaling \$4,814.42 and \$6,402.86 being Motor Vehicle Sales Tax.

FYI & REMINDER—For Budget Purposes the Supervisors will be doing their employee evaluations during the month of May. These evaluations may affect the Wage Committee's recommendations on wages to the City Council. The Council will meet at 6:00 pm. for the May 22nd Council Meeting for the Clerk/Foreman Evaluations. Mayor Hatfield explained an email was received from Nanette Smith about firework liability insurance coverage asking if the City had coverage? Clerk Curtis explained LARM excludes fireworks, but it would cost \$1000 to add this coverage. The Ag Society and Chamber of Commerce could be added for \$100 each for the event. The Firemen set off the fireworks, but the Ag Society owns the property. Clerk Curtis explained the City pays for the fireworks then the City bills the Chamber less the \$500 donation to the Chamber for the fireworks. Much discussion was had about who should be responsible for the liability insurance and who should pay for it. Clerk Curtis will contact Randy Miller to check if the Fire Dept. has firework liability insurance coverage since the Fire Dept. isn't covered under LARM and report back to the Council.

Council Member Zelenka moved to adjourn the meeting. Council Member Poskochil seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 9:20 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor