

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, AUGUST 14, 2023, AT 6:00 P.M. AT CITY LIBRARY MEETING ROOM, 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: Donnie Fisher, Laura Poskochil, Vickie Zelenka (joined meeting at 6:11 p.m.) and Susan Eisenhower (via telephone); Tamela S. Curtis, City Clerk/Treasurer. Absent: Spencer Cumley, Foreman. Mayor Hatfield called the meeting to order at 6:05 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.

**Budget Workshop Retreat with Julie Bauman:** City Auditor Julie Bauman reviewed the first draft budget figures for Fiscal Year 2023-2024 with all those present. Ms. Bauman stated that the draft budget does not include the new valuation figure for this year, but the new valuations should be available in the next few days from the Pawnee County Assessor. Ms. Bauman stated that this year's budget really looked good with revenue coming in to support the budget numbers to really make the budget balance and everyone pretty much stayed within the requested 3% budget increase. As Ms. Bauman went over the 2023-24 proposed budget figures on page 3 of the budget document, she had the Council follow along while going over each individual fund budget worksheet with Clerk Curtis going over the main points that she had listed on each one of the individual budget worksheets, that went into a little more detail as to why those certain amounts were being budgeted on those line items. Julie went over each individual page of the draft budget document, explaining where the figures came from and how they all worked together. Ms. Bauman stated that Clerk Curtis does a great job of listing out individually budgeted items that come out of a certain line item on all of the separate funds. Council Member Eisenhower inquired why the Library keeps budgeting \$4000 on the telephone/internet line item, but they never spend that much. Clerk Curtis stated she was pretty sure it had to do with the e-rate grant that they apply for each year but are not guaranteed to receive the grant funding. Council Member Zelenka agreed that it was because of the e-rate grant. Clerk Curtis stated she would write up a little more detail about that line item and run it past Librarian Lola Seitz to give the Council a better understanding. Ms. Bauman stated that with the Library hiring a Lawn Service to do their lawn care, that company, even though it was an LLC, would need to supply a Certificate of Insurance for proof of Workman's Comp Insurance carrier to the City Office. As we went over the Pool Fund Budget Worksheet, Council Member Eisenhower stated that we needed to add the (2) diving boards back under the Capital Expenditures line-item explanation as they had received lots of complaints, especially on the North board. Eisenhower continued that the funds have been budgeted for (\$1500 each), but the notes below must have been deleted. Council Member Poskochil wondered about adding funds for a recycling program back in the Garbage Budget for the "just in case" scenario that the City would find a company interested in picking up recyclables again. Clerk Curtis stated she would work on updating these three Budget

Worksheets and email them to Julie Bauman for her to update the City's budget documents. Ms. Bauman stated that once again this year's one-on-one budget workshops were very positive, and it is always great to have the Council Members really get a feel for how the fund budgets they are in charge of actually work as the City prepares for a very good true and actual operating budget. Julie discussed that she left the Property Tax Request the same along with the Tax Request towards the Street Bond. Bauman continued that the City was being conservative on the asking of the tax money. Bauman stated she appreciated the work the Council Members have put into their individual funds and feels very positive about the budget again this year. Ms. Bauman stated she will present the final draft of the upcoming Fiscal Year 2023-2024 Budget to the City Council at the August 28<sup>th</sup> regular meeting with the actual FY 2023-24 Budget Hearing to be held on September 11<sup>th</sup> starting at 6:30 p.m.

Council Member Eisenhower moved to accept the July 24<sup>th</sup>, 2023 regular 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: **8/1 & 8/15/2023 Payroll:** 29,487.70; **Union Bank & Trust**, FWH 7739.70; **NE Dept. of Rev**, SWH 1112.31/Sales & Use Tax 2299.71; **John Hancock**, ret. 3203.11; **AllState**, cancer/accid ins 218.06; **Ameritas**, vision 86.10; **United HealthCare**, health ins 6563.70; **Beatrice Fire Protection**, Extinguisher recharges 1572.95; **Ferebee Law**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Aug 800.00; **NPPD**, elec 6781.46; **Rural Water**, hydr 103.50; **Capital Business**, Libr Copier Contract 143.50; **Benefit Plan**, annual ret plan admin 570.00; **Windstream**, Libr ph/Office Internet 386.37; **OPPD**, elec-wells 185.20; **Diversified Drug Testing**, drug test new empl 163.00; **Little Brown Jug**, pool conc 213.10; **Quill**, office sup 201.64; **Casey's**, equip fuel 235.78; **Sargent Drilling**, well pump tests 1200.00; **US Cellular**, emerg cellphone 47.77; **Verizon Wireless**, Fire home connect/Jetpack 64.36; **Access Systems**, IT Care Serv/Hardware Contract 1115.28; **Coral's Cleaning Service**, office cleaning 160.00; **H&H Auto**, rep parts 96.95; **Hamilton Equip**, fuel re-fill fee on rental 66.00; **Julie D. Bauman**, budget workshops 2034.20; **NE Dept of Ag**, Animal facility license fee 175.00; **3-D Plumbing**, park restroom parts 475.00; **Amazon**, tool set 270.00; **Findlay HVAC**, clean mini-split @ Swr Plant 110.00; **League of NE Muni**, reg/util membership dues 1909.00; **MidWest Labs**, Swr testing; s/h 244.57; **PC Thriftway**, pool conc-sup/bleach/sup 121.38; **OneCall Concepts**, digger locates 21.48; **Pawnee Republican**, publ 611.17; **Pawnee True Value**, sup/rep parts 472.14; **Seneca SA**, pool dumpster 54.00. Council Member Zelenka moved to approve the claims as submitted. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review July Treasurer's Report:** Council reviewed the Treasurer's Report as of July 31, 2023. Clerk Curtis stated she would be handing out an updated Treasurer's Report at each upcoming Council Meeting so the Council could see what was left in their individual fund budgets as of that date.

**Sheriff Braden Lang:** Sheriff Braden Lang met with the Council to discuss the letter the City wrote to the County Clerk requesting a refund of the remaining ARPA funds the City donated towards the K-9 unit. Sheriff Lang stated at this time he had not heard anything more from the County Commissioners on the letter the City wrote requesting the refund. Council Member Eisenhower inquired if Sheriff Lang had found out the number of tickets

that had been issued during the fair to those riding their UTVs on the highway? Sheriff Lang stated there were a total of 14 stops made during the fair, but to his knowledge all of them were driving regular vehicles. Mayor Hatfield inquired if Golf Carts were treated the same as UTVs when riding on the highway? Sheriff Lang stated they do treat them the same. Mayor Hatfield stated he would be reminding the City Crew to stay off of the Highway while driving the City's Ranger. Council Member Zelenka stated she wanted to thank Sheriff Lang for slowing down the red car that had been tearing around their neighborhood. Sheriff Lang stated that there are two maroon-colored sportier vehicles that are tearing all over town causing problems and he's pretty sure the owners only live a couple blocks away from each other. Sheriff Lang stated if anyone sees them to call in and report it right away so they can catch them in the act. Sheriff Lang also reported that the black Camaro that had been causing problems around town got sold and the owner left town, too. Sheriff Lang also reported that there are a couple vehicles with loud stereos that they are trying to catch, also.

**Public Hearing on a request from Randy & Julie Koenke to vacate the East-West Alley in Block 5, Hazel's Addition, Pawnee City, Pawnee County, Nebraska, between 12<sup>th</sup> Street & 13<sup>th</sup> Street and B Street & C Street.** Council Member Eisenhauer moved to open the public hearing on a request from Randy & Julie Koenke to vacate the East-West Alley in Block 5, Hazel's Addition, Pawnee City, Pawnee County, Nebraska, between 12<sup>th</sup> Street & 13<sup>th</sup> Street and B Street & C Street at 7:15 p.m. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. There was no public input. Council reviewed the Affidavit of Mailing Notice of Resolution to Vacate said Alley. Council Member Zelenka moved to close the public hearing on a request from Randy & Julie Koenke to vacate the East-West Alley in Block 5, Hazel's Addition, Pawnee City, Pawnee County, Nebraska, between 12<sup>th</sup> Street & 13<sup>th</sup> Street and B Street & C Street at 7:17 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Pass Ordinance #1036 vacating the East-West Alley in Block 5, Hazel's Addition, Pawnee City, Pawnee County, Nebraska, between 12<sup>th</sup> Street & 13<sup>th</sup> Street and B Street & C Street with is stated within the Ordinance that Council agrees to suspend the three readings:** Council Member Eisenhauer moved to approve Ordinance #1036 vacating the East-West Alley in Block 5, Hazel's Addition, Pawnee City, Pawnee County, Nebraska, between 12<sup>th</sup> Street & 13<sup>th</sup> Street and B Street & C Street with it stated within the Ordinance that Council agrees to suspend the three readings, reserving to the City and utility companies an easement for maintaining all utilities. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/take action on Auction Listing Documents from Clay Schardt/Burow Tracts Real Estate for old Fire Hall at 732 F Street:** Council reviewed the Auction Listing Contract; Wire Fraud Notice; Affiliated Business Agreement Disclosure Statement & the Agency Disclosure Information for Buyers and Sellers. Clerk Curtis stated that City Attorney Ferebee had reviewed all of the documents and she stated from a contractual standpoint, it looks good. Her only comment was to make sure the City Council was comfortable with both #16 & 17 before approving anything. Clerk Curtis also stated that she had talked with Mr. Schardt and September 20<sup>th</sup> would work best for the auction date. Council Member Eisenhauer moved to approve all Auction Listing Documents from Clay

Schaardt/Burow Tracts Real Estate, setting the Auction Date for Wednesday, September 20<sup>th</sup>, 2023 for the old Fire Hall at 732 F Street. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis stated she would email Mr. Schaardt after the meeting tonight as he will meet with the Mayor and Clerk Curtis tomorrow to sign all of the documents so he can gain access to the Fire Hall and start gathering photos for the posters and advertising.

**A Report and update from Council Member Zelenka: Review quote from Schaardt Lawn Care, LLC for Library Lawncare Services:** Council reviewed the quote from Schaardt Lawn Care, LLC on lawn care services for the Library. Clerk Curtis stated that she and Deputy Clerk Wiers had checked with City Attorney Ferebee to make sure that the City didn't need to advertise for bids since this work will be paid for by the City. City Attorney Ferebee had emailed the Clerks stating that bids are only required if a job is over \$30,000. Council Member Zelenka stated that Lola had contacted three different lawn care companies to get bid estimates from, but Mr. Schaardt is the only bid estimate that was turned in. Schaardt Lawncare Services, LLC's bid estimate was for \$2660 and included lawn mowing and trimming, fertilizer application, pre-emergent, Fall winterization, tree trimming/cutting, non-turf weed control and lawn spraying. Council Member Zelenka also stated that Mr. Schaardt had stated that if the Library lawn does not need to be mowed every week, he would not mow it, so the estimate may be a little more than it will actually cost.

**A Report and update from Foreman Cumley: *Discuss Well Updates: Review updated Maps on location of proposed "Test Well-Site"*:** Foreman Cumley was unable to attend tonight's meeting so Clerk Curtis filled in with a report on the Well Updates. Clerk Curtis stated that Foreman Cumley had reported to her that the water level was up about half a foot as of last Monday, August 7<sup>th</sup>. Clerk Curtis stated that the water usage had been down quite a bit since we have been receiving some rain here and there. Clerk Curtis stated that in talking with Chuck from Nemaha NRD, Foreman Cumley had reported to her that it appeared the only good area to drill a test wellsite is on City owned property, just southeast of Well #1, in the CRP ground. Foreman Cumley met with Sargent Drilling last week at the proposed test wellsite and they are planning to be here in the next week or so to drill the test wellsite. ***Review letter to FSA office:*** Clerk Curtis stated that in order to drill the test wellsite on the CRP ground, the City had to write a letter to the FSA Office asking permission to disturb the CRP ground cover. In the meantime, Mayor Hatfield also had to sign some paperwork at the FSA Office giving Todd Albers, City pasture lease holder permission to mow the CRP ground for hay. Foreman Cumley had also reported to Clerk Curtis that if the test wellsite is good, they will plan to make the access road to the wellsite outside of the CRP ground. ***Review letter to Jeff Fink re: Water Tap:*** Council reviewed the letter sent to Jeff Fink regarding his water tap application and the concerns the City had at this time with the low aquifer water levels. Clerk Curtis stated that Foreman Cumley had planned to meet with Mr. Fink last Friday afternoon, but she did not know how that meeting went. Council tabled this item until the August 28<sup>th</sup> Council meeting.

**Review/Take Action on Ordinance #1037, Amendment to 8-112, Placement of Driveway Tube; Tubing Ditches Ordinance, adding stipulations if property owner wants to tube their whole ditch (First reading):** Council reviewed the amendment to City Code 8-112 adding a paragraph on what is mandated by the City when tubing ditches. Clerk Curtis stated she had also sent this amendment to City Attorney Ferebee for her

approval before bringing it before the City Council. Council Member Zelenka moved to approve Ordinance #1037, amendment to 8-112, placement of driveway tube; tubing ditches on first reading. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Take Action on Semi-Annual Audit on PCDC performed by Citizen Advisory Board:** Council Member Eisenhauer moved to approve the semi-annual audit of the Pawnee City Development Corporation (PCDC) as completed by the Citizen Advisory Board. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review SENDD's Membership Packet:** Council Member Poskochil moved to approved Southeast Nebraska Development District (SEND) FY 2023/2024 Housing Dues of \$260.00 and Membership Dues of \$1,575.00. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**NAHTF Application Cycle Update (Housing Rehab):** Council reviewed the email from the Nebraska Department of Economic Development that they are still reviewing and processing all applications received for the NAHTF Housing Rehab Grant Program.

**Correspondence:** Council reviewed the letter that Maguire Iron has changed their name to simply Maguire. Council reviewed the 2023 Annual League Conference to be held September 27<sup>th</sup>-29<sup>th</sup> in Lincoln. Clerk Curtis stated to let her know by September 6th if anyone was interested in attending to get the lower registration rate. Council Member Fisher moved to adjourn the meeting. Council Member Zelenka seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 7:41 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor