

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON TUESDAY, DECEMBER 26, 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 (arrived at 7:59 p.m.), Donnie Fisher, Susan Eisenhauer and Laura Poskochil; 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 Eisenhauer moved to accept the December 11, 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: **12/19/23 Payroll:** \$10,564.83; **Union Bank & Trust**, FWH 3102.29; **NE Dept. of Rev**, SWH 477.51; **John Hancock**, retirement 1671.16; **Allstate**, cancer/accid 218.06; **Ameritas**, vision 92.40; **Madison National Life**, life ins. 55.09; **United Healthcare**, health ins. 6563.70; **Windstream**, internet @ city office, ph @ swr plant 212.24; **Capital Bus. Syst.**, Elevate ph system 116.71; **Spectrum**, internet & ph @ 445 6<sup>th</sup> St. 184.97; **Nebr Public Health Environmental Lab**, wtr sample test 268.00; **Access Systems**, monthly IT Service 905.30; **BHE**, gas service 470.57; **PCDC**, Oct. 2023 sales tax 5937.24; **Seneca Sanitation**, Nov. 2023 garbage service & dumpster @ pond 7041.61; **Am. Legal Publish Corp.**, model ordinances 650.00; **Cummins Sales & Service**, repair heater @ swr plant 282.59; **Ferebee Law Offices**, Dec 2023 city atty services 1000.00; **JEO Consulting Group**, STR supt. services 1000.00; **L. Joe Stehlik**, demo reimb 4000.00; **Midwest Alarm Services**, library monitoring 408.84; **Mitchell Electric**, electrical parts 23.92; **NPPD**, electric services 3104.75; **Pawnee City Thriftway**, office supplies 29.09; **Pawnee Republican**, dog license ads & renew subscr. 119.50; **Pawnee True Value**, repair supplies 323.31; **Core & Main**, meter reader gun, 1405.82; **Surnali (DDT)**, membership dues 100.00; **Lincoln Journal Star**, library subscr. 309.00; **Verizon Wireless**, home connect/jetpak 64.75; ; 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 2023 Real Estate Tax Statements:** Clerk Curtis verified the 2023 real estate taxes do not include a tax statement for the well pasture since it is covered under Wellhead Protection and exempt from taxation as Council Member Eisenhauer explained. Council Member Eisenhauer

moved to approve paying the entire amount of the real estate taxes before the due date. 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 Sterup Enterprises:**

Council Member Eisenhower moved to open the public hearing to discuss the Pawnee City Reuse RLF loan for Sterup Enterprises. 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 7:05 p.m. Clerk Curtis explained Kelly Gentrup would be available by phone. Council Member Poskochil asked for clarification of the Sterup loan if this situation is similar to the situation with the Little Brown Jug Loan? Clerk Curtis explained Sterup Enterprises had met the national objective for job creation, but they are delinquent on their loan payments. Ron and Bev Puhalla are trying to sell the newspaper, but this loan will follow the newspaper which makes it difficult to sell. Kelly Gentrup had sent an email with options the Council could consider which include: forgive the remaining loan balance (although the loan has been delinquent for over 2 years) as they have met the national objective; request the new owners assume the \$13,090.55 plus \$554.54 (interest) debt or ask that they refinance the remaining balance and pay off the loan in full; forgive only the interest and have them pay the principal balance; or make a lump sum payment to satisfy a percentage of the delinquent payments. Council Member Eisenhower moved to close the public hearing to discuss the Pawnee City Reuse RLF loan for Sterup Enterprises. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and public hearing closed at 7:07 p.m.

**Review/Discuss/Act on Recommendation of Approval from ReUse Committee to consider forgiveness of the existing ReUse Loan to Sterup Enterprises who have met National Objective Requirements:** Council Member Eisenhower moved to accept the recommendation from the ReUse Committee and forgive the balance of the loan to Sterup Enterprises. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**SHERIFF BRADEN LANG, Sheriff's Updates:** Sheriff Lang thanked the Council for their support but after the last Commissioners' meeting, he is pretty sure nothing will change. The Commissioners did request a hiring bonus proposal from Sheriff Lang which would give \$10,000 for uncertified, \$12,500 for reciprocity and \$15,000 for a certified officer, which is basically the same thing that was listed in their original proposal. Sheriff Lang said there will be a \$2.00/hr. increase in current wages. Council Member Eisenhower also talked with the commissioners about Pawnee City's law enforcement agreement and that they could talk with her and Council Member Fisher since they are both on the City's Law Enforcement committee. Sheriff Lang also explained that one of their vehicles needs replaced. The Sheriff's dept. is willing to forgo replacing a vehicle in order to implement wage increases. Sheriff Lang also explained that many people have told him that they would like to attend County Commissioner meetings, but they are unable to take off work to attend them and it would be more helpful if the meetings were held at a different time of the day.

**JULIE BAUMAN, Present Draft FY 2022-2023 Audit:** Ms. Bauman explained the report is similar to the same one last year, but the State will change the format in the future. Ms. Bauman

explained the City is in a good cash position and received an unqualified opinion which means there were no adjustments, changes or anything out of the ordinary on this “yellow book” audit. Everything looks good for the City, but it is disturbing that PCAL has a negative (\$109,546) cash flow, so, why did the cash flow decrease so rapidly in a fixed environment? This means PCAL has been taking money from reserve accounts to cover expenses. As an auditor, she doesn’t get into operations, but PCAL needs to figure out how they will continue to operate each month. Clerk Curtis stated the City had to borrow money from the Utility account and transfer to the General account back in 2017 and expenses were tightened up and there wasn’t any extra money to spend but the City is setting in a good position now. Julie Bauman will send the audit to the State later this week.

**JOHN DEFREECE, Update on PCAL:** Mr. DeFreece explained that he had visited with Clerks Curtis and Wiers earlier that day and requested a discussion be had under executive session. Council Member Eisenhauer moved to go into Executive Session for the purpose of discussing the fulfillment of PCAL’s USDA Financial Obligation. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and executive session started at 7:55 p.m. Council Member Eisenhauer moved to come out of executive session. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and executive session closed at 9:19 p.m. Council Member Eisenhauer moved to waive PCAL’s \$875.00 monthly payment on their \$20,000 loan to the City for six months. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer explained PCAL owes the City reimbursement of their building insurance which has increased to \$15,593.69. Since the City has already paid it, Council Member Eisenhauer moved to waive payment of the building insurance for six months and then revisit the issue. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Julie Bauman stated she will write a proposal to complete an audit on the Pawnee City Assisted Living. Mayor Hatfield, both Clerks and all of the Council Members explained to John DeFreece, Caralyn Friedly and Jim Kubik to please contact the City if they have any questions or concerns.

**Review PCAL Minutes & Treasurer’s Report:** Council reviewed the PCAL minutes and Treasurer’s Report.

**NDEQ Waste Grant Application for Rubber Mulch Approved:** Council reviewed the email received from NDEQ about the \$3372.00 grant from the Waste Reduction & Recycling Incentive Grant Program for rubber mulch.

**Review/Approve signing Agreement between City and JEO on the 2024 Water System Preliminary Engineering Report (PER):** Council Member Eisenhauer moved to approve the Mayor signing the agreement between the City and JEO on the 2024 Water System Preliminary Engineering Report (PER). 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 Council Member Eisenhauer: Items for discussion are: *Discuss updates on the Cornerstone Building Project:*** Council Member Eisenhauer explained the City is still waiting for Axtell Lumber to deliver the wood trim and they were supposed to call today, so Council Member Eisenhauer called them again. Now, they are supposed to deliver the next day. The blinds cannot be installed until the window trim has been installed. Stack Furniture will have to come back to measure the width on the 10 ft windows again when the trim has been installed because the measurements will be within 1/8” for the blinds. There are seven windows, and it will cost \$710.00 per window for 4% rated shades. The doors will be delivered after January 1<sup>st</sup> because the supplier is shut down for the holidays and the building cannot be inspected by the fire marshal until the doors have been installed.

**A Report and update from Council Members Eisenhauer & Deputy Clerk Wiers & Foreman Cumley: *Review Meeting Minutes/Discuss Safety Committee Meeting held 12/15/2023: Act on Recommendations from Safety Committee:*** The Safety Committee recommended using the \$500 LARM grant to purchase a \$1439.00 flashing light that encircles a stop sign so that it creates more attention to motorists. Foreman Cumley found a different flashing light that attaches to the top of a stop sign that costs \$175.00 and it is solar powered so he ordered two of them.

**Report and update from Foreman Cumley: *Review/Act on flashing solar stop sign kit:*** Since Foreman Cumley found a more economical flashing light, the LARM grant will be used to purchase another gas monitor for the sewer plant. Since Foreman Cumley found a more economical flashing light, the LARM grant will be used to purchase another gas monitor.

***Discuss options for new Gas Monitor for Sewer Plant:*** Foreman Cumley explained that he is still not sure if the current gas monitor is working properly even though General Fire & Safety guarantees it is. Cumley has looked at other monitors and talked with other cities and looked at the Omaha branch of General Fire & Safety. There is another option for a gas monitor different from the brand the City owns but you can also “bump” test it and it can be calibrated every 180 days. It’s on Amazon for \$2000.00 but General Fire & Safety--Omaha is supposed to submit a quote which would include a better warranty. Council agreed it would not hurt to have another monitor on hand. Council agreed to purchase another gas monitor and use the \$500.00 LARM grant to help pay for it. Council agreed the safety of the crew members is very important. ***Report on what Iowa Pumps recommended on the Sludge Pump at the Sewer Plant:*** Iowa Pumps is waiting for a reply from their engineer because the special pump is obsolete, and they will have to figure out something that will fit the mounting brackets at the City’s sewer plant. There is an 8-week minimum lead time on receiving a new pump. The crew members were able to pump all of the sludge out but definitely need a new pump.

**Review/Discuss Emails re: Federal Motor Carrier Safety Regulations/CDL Clearinghouse costs:** Clerk Wiers explained the process is becoming more complicated each year and now, the employer has to keep files on each employee that has a CDL. The file has to include a driving record transcript which costs \$15.00 each and Diversified Drug Testing will charge \$55.00 per employee each year to complete the clearinghouse queries. Since the big dump truck has air brakes, the driver is required to have a CDL. So, the City could sell the big dump truck or continue with two crew members holding CDLs and not require the last crew member to obtain a CDL. Discussion was had about how often the big dump truck is used and whether it would be

feasible to replace it with a smaller dump truck or a trailer. Council agreed to continue with the two current CDL holders and not require the third crew member to obtain a CDL.

**Report and update from Deputy Clerk Wiers & Clerk Curtis: Items for discussion are: Review Photos & Report on Mitten Tree & Angel Tree Success, City Tree for Chamber's Christmas Tree Lane & the Clerks donating a Gift Basket that was raffled off at PCAL's Soup Supper:** Clerks Curtis and Wiers explained that the City Office served 66 children this year through the Angel Tree. The hats and mittens collected were given to Table Rock HeadStart for the students and their families. The DuBois Community Foundation also collected hats and mittens for the City Office, and they were given to HeadStart. The Clerks filled an insulated lunch bag with a water bottle, knitted dishcloths and items from Bath & Body Works, then donated it to PCAL for their soup supper raffle. All three clerks at the City Office enjoyed these festive activities.

**Review Correspondence from:** Spreadsheet on October, 2023 Total Sales tax of \$19,080.23 with ½% Street Repairs Sales Tax totaling \$3,958.16 and \$3,247.59 being Motor Vehicle Sales Tax.

Council Member Poskochil 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 10:00 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor