

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, SEPTEMBER 27, 2021, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC 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: Ric Helms, Bruce Haughton, Susan Eisenhower, and Donnie Fisher; Tammy Curtis, City Clerk/Treasurer, Kellie Wiers, Deputy City Clerk/Treasurer and Spencer Cumley, City Foreman. **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.

Council Member Helms made a motion to accept the September 13, 2021, special budget hearing meeting minutes. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Council Member Haughton made a motion to accept the September 13, 2021, regular meeting minutes. Council Member Helms 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: **9/28/21 Payroll:** 9193.40; **Union Bank & Trust**, FWH 2615.25; **NE Dept. of Rev**, SWH, 449.13; **John Hancock**, retirement 1239.00; **Allstate**, cancer/accid. ins. 267.74; **Ameritas**, vision ins. 127.80; **UHC**, health ins. 5184.42; **Madison National Life**, employee life insurance 55.09; **BHE**, gas service 115.22; **Spectrum**, internet & phone @ shop 164.97; **PCDC**, July 2021 sales tax 6642.83; **Windstream**, phone service @ swr plant, internet @ office 177.26; **NPPD**, electric service @ new Fire Hall 296.97; **Seneca Sanitation**, August garbage service 6133.00; **Quill Corp.**, office supplies 749.31; **Amazon Capital Services**, toolboxes for trucks 461.90; **SYNC/Amazon**, library materials 646.95; **Center Point Large Print**, library, LP books 1614.24; **Futuramic Products**, library, supplies 116.36; **Junior Library Guild**, library materials 2105.33; **Lincoln Winwater Works**, water/sewer parts 4217.48; **Municipal Supply of Omaha**, wtr parts 7176.09; **Nebr. Dept. of Ag**, animal facility license fee 175.00; **Nebr. Public Health Environmental Lab**, wtr samples 272.00; **Pawnee Co. Treasurer** 2020 real estate taxes 4824.15; **Seneca Ready Mix**, cement blocks, retaining wall 4050.00; **SENECS**, library comp service & upgrades 600.30; **Stallbaumer Lumber & Hardware**, lumber/screws for pool & cordless drill/drill bits 2121.00; **Capital Bus. Services**, new server computer 6757.14, Elevate phone syst. 111.94, library license & maint. 135.50; **Cummins Sales & Service**, generator maint. @ swr plant 1056.80; **Fastenal**, 60 padlocks keyed same 878.22; **Martin Marietta**, rock for trail & stockpile 4673.10; **U.S. Cellular**, emergency cell phone 44.99; **Verizon Wireless**, home connect/jetpack 63.64; **BNSF Railway Co.**, purchase of RR property \$5000.00; **Mahoney Concrete**, concrete walking trail 29,137.50. Council Member Helms 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 from Clerk Curtis: Clerk Curtis compiled a treasurer's report with balances as of 9/28/2021. She explained that everything is where it should be and reminded council members that they have until September 30th to finish out their funds budget.

Request for Special Designated License (SDL) for Little Brown Jug on 10/16/2021: Carla and Tanna Hanna were present to answer any questions. Tanna explained that this will be the Little Brown Jug's grand opening. Some beer and liquor vendors will be present to hand out samples and they will have the Nebraska game on television. They also plan to have two food trucks on site for the grand opening. FYI: Scott Hanna's birthday is actually the day before the grand opening. Tanna explained the request for the special designated liquor license has to be approved by the City before it will be approved by the Liquor Commission. Carla Hanna explained to the Council that they plan for the Little Brown Jug to be part of the community and this grand opening is to invite the community for this event. Council Member Eisenhauer commented that she thinks it is a great idea to have food trucks at the grand opening. Carla stated they have other ideas to be active in the community and if anyone has suggestions to please let them know. Eisenhauer moved to approve the Special Designated License for the Little Brown Jug for October 16, 2021. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

SHERIFF BRADEN LANG, Updates on Deputies, etc.: Sheriff Lang informed the Council that Deputy Boldt failed his law enforcement training but had passed the physical. Since he was hired prior to LB51 taking effect, he is grandfathered in so he can continue to work. The Sheriff's department is almost fully staffed but since Boldt is uncertified, there are certain things he cannot do. Boldt could be on scene, but he would have to call the sheriff to take action and stay at the scene until the Sheriff arrived. Also, Deputy Reed was injured recently dealing with an arrest. The deputy position is open again but because of LB51, the department is probably not going to be able to get someone hired to fill the position because they will have to complete the training before they can be hired, and they will also have to complete a mental evaluation and other new requirements, but nobody seems to know the process. If you look at the hiring page on the Nebraska website, it's twice as long as it was before, and everybody is fighting over the same people. Council Member Helms asked if Boldt could complete the training again. Sheriff Lang explained that it would cost another \$6000.00 for him to complete the training and there isn't enough money in the budget to cover this. Lang continued that Taylor Bredemeier's military police credentials went through and there is a good chance that the department can do reciprocity with him which is three weeks of training instead of sixteen. Bredemeier is in the Navy reserves and is a Navy police officer so those credits should transfer over. He will go to training in January.

Review/Discuss City Ordinances on Parking Issues: Sheriff Lang explained that he was home dealing with his second round of Covid-19 when the issue came up with Brandon Rose's car and he was dictating to Nancy on how to handle the situation. Gary Leatherman wasn't available so a towing company from Tecumseh was contacted, and it cost a lot more in towing costs and if he had known this, he wouldn't have handled it this way, but the Sheriff's office had already

received 72 hr. and 2 hr. parking complaints on the vehicle. In normal circumstances, Sheriff Lang would have notified the owner of the vehicle, but he was out sick and had the office clerk handle it. This is not normally how the situation would have been handled but still within the bounds of the ordinances. Lang stated that Brandon Rose said the landlord told them it was okay to park downtown on G street between 6th and 7th streets. The vehicle was broken down when it was towed and sat in impound because it wouldn't start. Council Member Helms said that Brandon Rose also told him that the landlord said it was okay to park downtown where he has been parking his vehicles. At this time, Council Member Helms complained that there are several campers parked in the ROW (right of way) and partially on the street around town for several weeks. Sheriff Lang asked Helms for the locations of these campers. Council Member Helms stated that he has seen one on H street (close to Donnie Inglis) and 4th street. Also, Frank Burcham still has all of his equipment setting in the ROW and needs to receive a ticket for this. If he doesn't move these items, then he should receive another ticket. Council Member Haughton said that it looks like Mr. Burcham has moved some of it from the East to the North. Haughton had talked to Burcham about installing a privacy fence and offered to find funds to purchase the materials, but he didn't answer Haughton. Sheriff Lang asked the Council if there are any comments on how to handle this situation. Council Member Eisenhower commented that she likes the way Sheriff Lang would have handled the situation (that is listed on the agenda). Council Member Helms asked Sheriff Lang how his department handles parking tickets. Lang explained that he "runs" the plates on the vehicle first to get the owner's information and then talks to witnesses for verification that a vehicle is in violation of the parking ordinances. The first time, he usually notifies the person to move their vehicle and the second time, he would issue a parking ticket and it carries a \$15.00 fine. If it is a repeat offender and they are not paying the parking tickets, then he would have the vehicle towed as in the case of Angie Shera who lived in the apartment above Pete's Pharmacy. At this time, Council Member Haughton suggested Sheriff Lang contact Nick Novak from Humboldt who is a Richardson County deputy. He works seven days straight and then has seven days off and is looking for work to do on his days off. He may be interested in working part time for Pawnee County. Sheriff Lang explained that County Clerk Candi Nicholas told him that the county is getting close to their limit for county employees and a part time employee would count against this total as in the deputies who have been hired in the past but have quit. This affects insurance and other matters. If the total number of County employees (including part-time) would get to 60 or 70 people, then it would be a "tipping" point and would make things exponentially harder with all the paperwork that would be required. If Lang could find a fulltime person that is worth it then he would be interested but it's hard to know how much a part-time person is willing to work and the number would count against the County. Council Member Eisenhower suggested Lang talk to Novak and see if he would be interested in becoming a Pawnee County deputy and then Council Member Helms commented that he probably gets paid more in Richardson County. Lang said the deputy salary in Pawnee County will not be increasing as he has already tried to get it raised. Lang said that he has met Mr. Novak and believes that he had interviewed him.

Vickie Zelenka, Discuss 9/24 Task Force Meeting; Review Meeting Minutes from 9/3 Task Force Meeting; Review emails between City Clerk Curtis and Co. Clerk Nicholas re: County Commissioner action on masks and 30x30 plan (no action taken at this time) There was not a resolution or proclamation passed re: masks but just a sign put up on the doors that says "masks are recommended." Vickie Zelenka and Dr. Kent Niss, members of the task force, were

present to address the Council. Vickie reviewed the minutes from the last two task force meetings. She explained that Gov. Ricketts has put the portal back up and is strongly recommending that people wear masks. Also, that there was a spike in Covid-19 cases when school first started but has come down a bit. The school board elected to not do anything more than what they are already doing at this time. Zelenka stated that Tecumseh and Lewiston schools are doing a lot more disinfecting but are not mandating wearing masks yet. She could not report the total number of Covid-19 cases in the county but recently, there was one death in the county related to Covid-19. Dr. Niss explained that he would stress that everyone take precautions but doesn't feel that there should be mandates. He believes in giving people the information that Covid-19 is a spreadable disease, and they should take precautions with it like avoiding being in a room with a large number of people who are coughing, sneezing, or have a fever and stay away from people if you have the same symptoms. Encourage people in the community to wear a mask if they are in a situation and feel uncomfortable. Wearing a mask does slow and prevent the spread of disease, any airborne disease, and attributes this action to having a decreased number of flu cases last year. It's not about mandating anything but giving good education and good hand hygiene. The Covid-19 rates in the community have plateaued right now and the area around us even for our younger folks. Gage and Jefferson counties have shown a little bit of a spike but also have a little more traffic coming in and out of their towns. In our community, the people between the ages of 40 and 65 are at most risk right now because not as many have been vaccinated. The people aged 65 and up have about an 85% to 90% vaccination rate. Dr. Niss explained that there is a lot of political contexts around the Covid-19 vaccine but compared it to other immunizations such as tetanus, influenza, measles, etc. Immunizations work! It is better than anything we have done before. Pawnee Republican reporter Ray Kappel asked Dr. Niss what the hospital's policy was concerning staff being vaccinated. Dr. Niss explained that it is the same as the influenza vaccine policy and it is the right of the employee to choose whether he/she gets the vaccine or not. If that employee chooses not to be vaccinated, then they have to sign a waiver and take more precautions while they are at work. Those precautions include wearing a mask and good hand hygiene. Good education is the right thing to do and if people have questions, they can call the clinic. Dr. Kent explained that he knows of other communities around that have had community forums about Covid-19 and they have received good feedback from them. Vickie Zelenka explained that the local hospital has one Covid-19 bed and if a Covid-19 patient required other services and couldn't stay at home, they are shipped to another hospital, and it is not easy to find a Covid-19 bed. Zelenka explained to the Council about her son Peter's experience with Covid-19 and the lasting effects it has had on his health and the need to take it seriously. Mr. Kappel asked Dr. Niss about Covid-19 booster shots. Dr. Niss explained that some people are eligible for booster shots if they are immunologically compromised and age 65 or older and if they had the Pfizer vaccine. Boosters for people who had the Moderna shot have not been approved yet. Also, hospitals were full dealing with heart attacks, strokes, trauma, etc. before Covid-19 hit and will continue to be full but Covid-19 decreases the ability to find an available hospital bed. Council Member Eisenhower asked the Council if they should do anything about wearing masks? Discussion followed with the consensus that everyone should use common sense, wash their hands and let the person make the decision to wear a mask if they feel uncomfortable. The City Office still has the plexiglass up at the front desk with masks and hand sanitizer available for employees and customers. If the Clerk feels customers should wear a mask when they come into the office, then a sign will be posted on the front door. The City Office will remain open to the public.

Review Pawnee City Assisted Living (PCAL's) Profit & Loss, Treasurer's Report & August Meeting Minutes: *PLEASE NOTE: PCAL paid 2020 Deferred USDA Int. Pymt and 2021 USDA Int. Pymt totaling \$160,215.00 on 9/24/2021; PCAL will be making monthly USDA pymts of \$10,487 starting 11/19/2021; Clerk Curtis attended the last PCAL meeting, and the census is at 19 now. Clerk Curtis had discussed with PCAL Director Caralyn Friedly about setting up the monthly payment through ACH so that Caralyn wouldn't have to worry about writing a check each month before the 19th in case something would happen that a physical check could not be written in time. Caralyn will talk with Ken Klausmeyer again about this issue. USDA will be taking this money each month on the 19th out of the City's PCAL account so this money needs to already be in the account. At this time, Council Member Helms asked if a drop box could be installed in the front door of the City Office. Clerk Curtis, Deputy Clerk Wiers and Foreman Cumley explained there is currently a mail slot in the front door for utility bill payments. At the next PCAL meeting, Clerk Curtis will remind the board that \$5000 needs to be deposited in the PCAL reserve account every year as required by the USDA loan.

Consider SENDD request for continued participation and membership dues in the Southeast Nebraska Development District (SENDD). Motion to Approve FY 2021 Housing Dues/\$263.00 and FY 2021 Membership Dues/\$1,575.00 (*No changes in dues for the past 13 years*): Council Member Eisenhauer moved to approve SENDD 2021 Housing dues of \$263.00 and Membership dues of \$1575.00. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis explained that she had to call SENDD to get this information in order to pay it out of this year's budget.

Review/Approve Change Order #3 on Fire Station Project—add'l site removal required—tree roots/debris: Council Member Eisenhauer moved to approve Change Order #3 for additional site removal of tree roots and debris. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Foreman Cumley explained that AHRS had to dig down three feet, almost four feet, to take care of this.

Review/Act on Jeff McClintock's Demolition Reimbursement Request at 345 6th Street: Council Member Helms moved to approve Jeff McClintock's demolition reimbursement request on 345 6th street for \$4000.00. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Several people present commented on the improvements Mr. McClintock has made on this property including demolishing the old grain elevator buildings. Clerk Curtis explained that Jeff McClintock submitted his asbestos report and there were no asbestos concerns. Clerk Curtis will submit McClintock's demo information to PCDC for his additional request for expense reimbursement.

Report and update from Mayor Hatfield: Items for discussion are: Review/Approve Recommendation of ReUse Committee deferring Sterup Enterprises, LLC, Schilling Bridge Winery, Shirley's Place & Richard Palmer ReUse Loan Payments to January 1, 2022 and shall be 0% interest loans from October 1, 2021 until December 31, 2021; Mayor Hatfield explained that the Reuse Committee had a meeting to discuss this issue but he was unable to

attend. So, Hatfield contacted Atty Joe Stehlik to discuss this recommendation. The Reuse Committee is concerned that DED will take what is left of the Reuse money so they don't want to put any extra money into the account until the City knows if the funds can be used on the new Fire Hall and Cornerstone Building projects. Plus, they are concerned that DED will foreclose on the rest of the loans and the City will be out everything and DED will keep everything. Council Member Eisenhauer commented "It is their money." Clerk Curtis explained that she had spoken with Kelly Gentrup from SENDD last week to see if the City could repurpose the Reuse funds that are left. During the last conference call with Tom Stephens, Tom Bliss, SENDD and the Reuse Committee, Mr. Stephens said at that time that the City could use the money on the Fire Station and Phase 2 of the Cornerstone Building. Now, Mr. Stephens has changed his mind and they are no longer accepting new projects, now, for repurposing but rather to focus on current projects. So, she (Kelly Gentrup) said the Reuse money could be used on the Fire Station. Therefore, Clerk Curtis would like to apply for CCCFF funds for the interior of the Cornerstone Building and not have to comply with Davis-Bacon rules and comply with the procurement process, but this would be a 50/50 match program. Kelly Gentrup (SEND) wants to hold a public hearing on Oct. 25 along with SchillingBridge's second public hearing in order to use the Reuse funds which total a little over \$185,000. This will help pay for the new Fire Hall since the actual cost came in well over bids. DED would like the City to collect the outstanding loan payments and then forward the payments to them, periodically. Clerk Curtis explained that this entails a lot of time for the City Office to administer plus reconcile the monthly bank statements and provide documentation for each semi-annual audit to DED, but the City would not receive any benefit from this. Kelly Gentrup explained that there are other communities which have signed a NDO memorandum and then SENDD takes over the loans and borrowers would make payments directly to SENDD. Clerk Curtis suggested Pawnee City do the same thing and then not have to worry about the Reuse program at all. Mayor Hatfield explained that the Reuse program has been active for thirty plus years and that is normally how long a government program lasts. Discussion was had on whether principal and loan payments should be deferred again. Council Member Eisenhauer moved to deny the recommendation of the ReUse Committee to defer loan payments for Sterup Enterprises LLC, SchillingBridge Winery, Shirley's Place and REMLAP to January 1, 2022, and 0% interest from October 1, 2021, until December 31, 2021. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Discussion was had about signing a NDO memorandum and let SENDD take over the ReUse loans and payments. Also, Kelly Gentrup had strongly recommended that the Reuse Committee no longer defer loan payments because there are a lot of funds/programs available to assist small businesses with Covid-19 related issues. Council Member Eisenhauer commented that some of these businesses are not open as many hours as they used to be which greatly affects their ability to serve customers and make money.

Report and update from Council Member Helms: Items for discussion are: *Discuss items purchased FY 2020-2021 out of the Street Fund: Grapple Bucket for Skidster (\$3000) & Plate Compactor for Mini Excavator (\$4900)*; Council Member Helms explained the crew is going to be changing out a lot of lead water lines and the plate compactor attached to the mini excavator would make this job much easier and more efficient plus, take less time. The grapple bucket will help the crew clean up brush around the blowoffs and clean up tree limbs that fall in the streets after a storm, etc. The Street budget spent \$7900.00 on these items. The Street budget had \$20,000 left in the budget knowing that 10th street is going to need a lot of rock probably 80 to

100 ton of rock for the tube that will be installed so we purchased this rock out of the 2020-2021 budget and stockpiled it. Helms said he wants to save the money from next year's budget to overlay some streets with asphalt. Council Member Helms explained that he wanted the Council to know why he made this decision. Council Member Eisenhower asked how much was spent on rock and if there was money left in the Street budget. Helms explained that \$4000 was spent on seven loads for stockpiled rock and there is a few thousand dollars left in the budget.

Report and update from Foreman Cumley: *Discuss City Crew digging up manholes in streets that had been buried under layers of overlay;* Foreman Cumley explained that manholes have been repaired so that they are now level with the road surface. Recently, the Crew worked on a sewer back up and that manhole was a foot below the bottom of the asphalt, so they cut it out and raised it up. They worked on another manhole and cut it out from layers of "chip-n-seal" but covered it back up with rock for now until it can be finished. As soon as harvest is over, the Crew will be working on jobs listed on the recent sanitary survey for water. They have to go to all of the fire hydrants, blow offs and air releases all the way from here to the Wells and clean up trees and grass around them to make them visible from the road and inspect them. There are also three water taps coming up to be installed.

Report and update from Council Member Eisenhower: *Discuss updates to concrete work on trail; Discuss plans to expand Pool Decking to the South with money left in this year's Pool Budget with the remainder going into the General Reserve Account;* Council Member Eisenhower explained to the Council that the 2nd phase of the concrete is finished on the trail and looks really nice. The Crew still needs to lay rock on the sides of it and the trail still needs a cut out for drainage and drain tile or similar installed on the South side of the East/West portion. As far as the plans for expanding the Pool Decking, there is \$32,000 left in the pool budget. Next year, Eisenhower would like to see a shade structure installed along the South edge of the pool so that people in the pool or on the other side, can sit in shade to accommodate elderly people and people with skin issues, etc. There is no viable shade around the pool, so, Eisenhower would like to see some type of canopy pergola system installed across the South edge, but this will create a problem with the slide and a problem with the lifeguard chair, but she doesn't want to build something and have problems with kids throwing things up there or trying to climb up there and hang off of it or pull on it. So, Eisenhower would like to get a quote to see what it would cost to "scooch" that decking to the South the whole width of the pool twelve feet and then put something there that is not reachable from the lifeguard chair or the slide. That quote came in at \$10,500. So, she would like to pay Mahoney to do this work and then hold the check until he is able to complete the work. This Winter, we would work on the plan to build the canopy/pergola system and take out the pergolas that are there now because they don't offer any shade anyway. The fence would also have to be moved. The rest of the money in this year's budget will be moved into the General Reserve Account in case there is an issue or if we need money to use somewhere next budget year so we wouldn't have to amend the budget. Clerk Curtis explained that when the clarifiers had to be replaced, this was a special hi-lighted item on the sewer budget that stated \$21,000 would come out of the sewer reserve account so that was money pinpointed to come out of the reserve account instead of the Utility Account. Council Member Eisenhower further explained that she would rather ear mark this money for a future expense or an emergency expense whether it be for streets or a sewer line, etc. instead of "losing" this money. She doesn't want to spend money just to spend money because it is left in the budget. Spend

money for something the City actually needs. This money could be used to pay for the extra decking or the new pool furniture that has been ordered. She would like for people to be able to go to the pool and not have to sit in the hot sun. This would not shade people outside of the fence but hopefully, this would attract more family members to visit the people while watching their children and grandchildren enjoy the pool. Susan has talked with Howard from Miracle Mudjacking who applied all of the caulking around the pool and there are a few spots that have separated, so they will come back to fix it.

Correspondence: The City Council reviewed correspondence from July 2021 total Sales Tax of \$19,511.74 with ½% Street Repairs Sales Tax totaling \$4,428.55 and \$1,797.54 being Motor Vehicle Sales Tax. Two red maple trees were planted at the City Pawnderosa on September 21, 2021, in memory of Kyle Klepper. An engraved plaque was purchased from River Valley Memorials to be installed next to the trees. JEO emailed an invitation to their Nebraska Husker Football Tailgate party on 10/09/2021. Please RSVP.

Council Member Eisenhower moved to adjourn the meeting. Council Member Helms seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:24 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor