

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, DECEMBER 10, 2007 AT 7:30 P.M. AT CITY HALL, 445 6TH 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 Duane Westing; Council Members: Deb Klein, Tom Fisher and John DeFreece; Tamela S. Stephens/City Clerk; Don Inglis/Shop Foreman; Sheriff Jayme Reed.

Absent: Roxann Buman

Visitors: Bryan Mellage, Sandi Corbitt-Sears, and Kevin Burnison.

Mayor Westing opened the meeting with a moment of silence then called the meeting to order at 7:30 p.m. informing all those present of the Posters stating the Open Meeting Law Changes on the East meeting room wall accessible to the public. Council Member Klein made a motion to accept the November 26, 2007 regular meeting minutes. Council Member DeFreece 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: Payroll 10590.06; Northwestern Mutual Life, retirement 910.82; Binder Bros, bag cement-hwy repairs 637.74; Cemetery Assoc, approp 750.00; Electric Fixture, BB court light 73.80; H&H Auto, sup/rep prts 183.61; Kerl's Tank Wagon, equip fuel 576.00; Martin Marietta, rock to wells 1925.70; PC Fire Dept, approp. 70.00; Aquila, gas 340.41; US Postal Service, UB mailing 114.53; Wells Fargo, chemicals/cement mixer/postage 314.56; Pawnee True Value, rep parts/sup 66.50; Petty Cash Fund, sup/postage/b-day donuts 24.47; Pawnee Co Clerk, mowing liens 11.50; Municipal Supply, Equinox license fee 158.25; Wayne Mfg, Christmas light bulbs 206.00; NPPD, elec 2865.26; Cornhusker Press, dog tags '08 66.48; Great Plains One-Call, Nov. locates 21.50; Quill, office supplies 94.35; Klepper Oil, equip fuel/tire rep 180.00; Airport Authority, tax transfers 1075.00; Kerl's Service, replace tire 145.00; Time Warner Cable, office/libr internet 154.90; JEO, fire hydrant maps 215.00 / water proj 1391.00; VFW Club, gift cert-water-island flowers 40.00; Pawnee Co Rural Water, pond hydrants 27.25; Community Ins, add'l premium-fence @ wells 37.00; Casey's, equip. fuel 951.00; Sunrise Publications, publishings 443.49; Pawnee City Operating Co, Manor Easement 1250.00. Council Member DeFreece made a motion to approve the claims. Council Member Klein seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Vote for Appoint Council President: Council Member Klein made a motion to keep John DeFreece as Council President. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried and John DeFreece remained the Council President for another year.

Mayor's Recommendations on Appointments for Committee Heads, Offices, Health Board and Reuse Committee: Mayor Westing read off his recommendations on Appointments for Committee Heads, Offices, Health Board and the Reuse Committee. Council Member DeFreece made a motion to accept Mayor Westing's Recommendations on Appointments for Committee Heads, Appointed Offices, Health Board and Reuse Committee as follows:

COMMITTEES:

Streets, Alleys, Crossings & Library
Parks, Recreation & Swimming Pool

Tom Fisher
John DeFreece

Sewer & Fire
Water

Roxann Buman
Deborah Klein

APPOINTED OFFICES:

City Attorney
City Clerk/Treas.
City Street Supt.
Consulting Engineer
Active Billing Official/
Health Inspector
SENDD

L. Joe Stehlik
Tamela S. Stephens
Evan Wickersham, JEO Consulting Group, Inc.
JEO Consulting Group, Inc.

John Riggs
Thomas Fisher

HEALTH BOARD:

Mayor Duane Westing
M.D. Rick Jackson

Sheriff Jayme Reed
Council President John DeFreece

REUSE COMMITTEE:

L. Joe Stehlik
James Kubik
Duane Westing

Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Last meeting in December: Mayor Westing stated that he would be unable to attend the last meeting in December on the 26th, so inquired if the other Council members would be able to still attend that meeting? All Council Members present stated they would be able to attend the meeting, so it stayed as scheduled for Wednesday, December 26th.

Sheriff Reed: Sheriff Jayme Reed stated she realized they had discussed this previously, but she had received more inquiries on what the City could do at the intersection of 6th & G Street as she had recently worked an accident at that corner and there has been lots of “almost” accidents at that intersection. Much discussion followed with Council stating that it has become more of a problem with the highway construction going on in front of Kerl’s Service Center. Foreman Inglis and Council Member DeFreece stated that highway should be open by the weekend for all traffic, as the project is complete and the concrete should be cured by then. Mayor Westing had received inquiries about the safety of the scooters on highways and streets. Sheriff Reed shared state statutes with all those present stating that an electric personal assistive mobility device is allowed on the streets and highways. Sheriff Reed stated she would talk to those using the scooters and ask that they put a safety flag on the back of it. Council reviewed the sheet written up by Deputy Clerk Glathar that City Attorney Stehlik had called to update the City on the City vs. McLaughlin case regarding the truck parking lot/blood residue in which Mr. McLaughlin showed up without an attorney and pled guilty. Mr. McLaughlin was ordered to make full restitution of \$188 to the city and payable by December 28, 2007 with court costs of \$64.00. Council Member Klein stated that Sandra Corbitt-Sears, Sheriff Reed and herself had met with City Attorney Stehlik on the ordinance amendments they were working on for the City dog ordinances. City Atty Stehlik was making some minor adjustments but felt the ordinances were all well enforceable. Sheriff Reed inquired on the agenda line item pertaining to the nuisance property clean-up of Don Graham? Council stated they had hoped to visit with Mr. Graham’s brother, Jerry Graham as he was also on the agenda tonight. Jerry Graham did not make tonight’s meeting so Council directed Clerk Stephens to send Don Graham a nuisance property letter giving him a time frame to get the items cleaned up in his front yard. Clerk Stephens reported she had received a complaint from Don Cockrell on his neighbor leaving his semi-

truck running all night until he left at 5:30 a.m. Council stated if the truck was parked on his property there are no ordinances against him leaving his truck running all night, just if he left it parked on the street for longer than a 2-hour period.

Jerry Graham and Eileen Hines, lifetime legal plan: Jerry and Eileen were unable to attend the meeting.

Public Hearing, Zoning Text Change: Clerk Stephens stated that after checking with City Attorney Stehlik after the last meeting, it was decided that the City did need to hold a public hearing on the zoning text change and start over on the first reading of Ordinance #855. Council Member DeFreece made a motion to open the public hearing for zoning text change for notification process at 8:00 p.m. Council Member Klein seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried. Council Member DeFreece made a motion to pass Ordinance #855 for the zoning text change for the notification process on first reading. Council Member Klein seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried. Council Member Klein made a motion to close the public hearing at 8:05 p.m. Council Member Fisher seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried.

Review/approve Ordinance #856 on sale of lots: Council reviewed Ordinance #856 stating that Jerry & Ann Ferrell had purchased the East ½ of Lots 4, 5, & 6, Block 16, original Pawnee City for \$150.00 at the auction held on December 5th at City Hall. Council Member DeFreece made a motion to approve Ordinance #856 on first reading. Council Member Klein seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried.

Review applications for Sewer Permits: Council reviewed applications for Sewer Permits #2007-02 thru #2007-06 from Doug Daly, 3-D Plumbing for the five properties owned by Vantage Point Homes. Council Member DeFreece made a motion to approve the applications for Sewer Permits #2007-02 thru #2007-06 from Doug Daly, 3-D Plumbing for the five properties owned by Vantage Point Homes. Council Member Fisher seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried

Discuss Health Board meeting 12/18 with John Riggs & list of properties: Mayor Westing stated the Health Board meeting had been rescheduled to December 18th with John Riggs due to a conflict in Mr. Riggs' schedule. Council reviewed the list of nuisance properties that are scheduled to be inspected and evaluated. Council Member Fisher stated that he felt he was in the dark on how this Health Board stuff works. Fisher had questions on who picked these first ten properties, was it stated law that the City has to have an authorized person to inspect these properties; is it worth the amount of money the City will have to pay out and how are they going to get into the house legally to inspect it? Council Member DeFreece explained that hiring Mr. Riggs to inspect the properties is suppose to speed the process up in either getting the properties fixed up or torn down, as with the old way of sending out nuisance letters it would take up to a year or more before the City could proceed with cleaning up that property. Mayor Westing stated that it is the Health Board that chooses the properties to be inspected when they do their "drive around" town.

Review sample letter to Falls City Mayor on Rulo Bridge: Council reviewed the sample letter to be sent to Falls City Mayor Vandberg regarding the Rulo Nebraska bridge construction project needing to happen now and not be put off. Council stated they felt the City should send a letter encouraging the Rulo bridge be moved to the top of the list of state projects to get done. Mayor Westing stated he would take care of the letter.

Review letter written to Nemaha NRD on Hazard Mitigation: Council reviewed the letter written by Clerk Stephens stating the City was interested in participating in the Hazard Mitigation Plan. Clerk Stephens stated that she had received a letter back from Bob Hilske of Nemaha NRD stating they had sent in the grant application to proceed with the Hazard Mitigation Plan and would be scheduling a meeting the week of January 14th with all area entities that were interested.

Cemetery Association's Financial Statement: Council reviewed the Cemetery Association's November Financial Statement.

Report & Update from Foreman Inglis – street sweeper; Constructors, Inc.: Foreman Inglis stated he felt it was too late to get the street sweeper back again this year as the streets will have too much snow, ice or sand on them at this time. It would be better to have the sweeper come back this next spring and hopefully he won't break down again this time. Foreman Inglis stated Constructors, Inc. are sending down a representative to attend the January 14th meeting to discuss the pros and cons of Chip and Seal over asphalt overlay.

A Report & Update from Council Member Buman on updating Sewer Permit Ordinance: Council Member Buman was unable to attend tonight's meeting, but Council discussed the need to increase the Sewer Permit fee from \$10 to hook up to the City's Sewer Main. Council directed Clerk Stephens to contact area towns and see what they charge to hook-up to their City's Sewer Main and report back at next meeting.

A Report & Update from Council Member Fisher on 1&6 Year Plan and Library Addition: Council Member Fisher stated that he and Foreman Inglis had been unable to go out again and review the streets with all of the snow and his wife having surgery on her foot. Council Member Fisher stated he had nothing to report on the Library addition at this time.

A Report & Update from Council Member DeFreece on Don North Road, truck parking lot property swap, pond restroom facilities, meeting w/NDOR and railroad and tree board meeting: Foreman Inglis stated the Brent Jorgensen had been over to look over the D. North road and truck parking lot properties the City wanted appraised, with the City being added to their schedule. Council Member DeFreece reported that he had contacted Steve at NRD about their restroom facilities at Iron Horse Lake. Steve stated that they have no running water in them and a single restroom with a concrete case runs around \$16,000. DeFreece stated that NRD has Wrightsman Plumbing out of Beatrice contracted to pump them out. Council discussed that the prices that Deputy Clerk Glathar had obtained on pre-fabricated buildings were a lot cheaper than these prices. Council Member DeFreece stated he would try and obtain other literature on it. The meeting with NDOR and the Railroad had been postponed until January because of inclement weather. Council Member DeFreece stated that they had their first Tree Board Meeting on December 4th and looked at the application for becoming a Tree City USA. DeFreece stated they need \$2 per capita or approximately \$1900 in the budget to put in the tree board fund, which would come out of the Parks and Recreation Budget. Council Member Klein made a motion to use \$1900 of the Parks & Recreation Budget for the Tree Board line item under the City Budget. Council Member DeFreece seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried.

A Report & Update from Council Member Klein on the Water Project and Animal Control: Council Member Klein informed Council that the City had received the Waterline Easement from the Pawnee Manor and Clerk Stephens had filed it at the Register of Deeds office. The Animal Control issue was discussed while Sheriff Reed was in attendance earlier in the meeting.

Review Top 5 Priority List from Pawnee City's ED Group: Council Member DeFreece stated the Pawnee City Economic Development Group had voted on the top priority list for Pawnee City. Included in the top five Priority Overview were 1. Business Retention/CJ Foods Expansion – 11 votes; 2.) Sewer/Infrastructure – 6 votes; 3.) Housing – 5 votes; 4.) Tourism Package – 5 votes; 5. Economic Developer – 5 votes. Other items listed included assisted living/daycare, “welcome home” campaign, lake and there were numerous items that only obtained one vote.

Kevin Burnison, SENDD on Planning Grant for Sewer PER: Kevin Burnison, SENDD met with Council to discuss the issues of funding for a Preliminary Engineering Report (PER) through CDBG Planning Grant or Water/Wastewater Grant Funds. Mr. Burnison inquired what the limits of the study the Council wanted, either for the existing town property with growth based on historical growth pattern or to include a potential lake into the study parameters. The inclusion of a lake into the future planning strategy and needs for the City of Pawnee City would trigger a completely different waste water treatment recommendation with a 30-50% higher cost for the study, than if the Engineer is just asked to deal with what is seen in Pawnee City right now, with historical growth rates used in said study. Mr. Burnison also stated that the Council could ask the Engineers to lay out two different scenarios, PC waste water system needs with historical trends and PC waste water needs with a Lake. Mr. Burnison stated that the City could either distribute to area Engineers a request for proposal with statement of qualifications, then have a panel perform interviews making recommendations to City Council or formally designate a City Engineer at the time of City appointments. Much discussion followed. Council Member Fisher made a motion to make application for a CDBG Planning Grant for the Waste Water System PER for the existing town proper with growth based on historical growth patterns and to have Mr. Burnison distribute to area Engineers a request for proposal with statement of qualifications, then have a panel perform interviews making recommendations to City Council. Council Member Klein seconded the motion. Roll call vote indicated all those present voting in favor of the motion, whereupon motion carried. Mr. Burnison state he would get started right away on the procurement process and get the public hearing set up for an upcoming meeting. Council Member Klein made a motion to adjourn the meeting. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 9:09 p.m.

Duane Westing, Mayor

ATTEST: _____
Tamela S. Stephens, City Clerk