

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, NOVEMBER 12, 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: Roxann Buman, Deborah Klein, Tom Fisher and John DeFreece; Carol L. Glathar/Deputy City Clerk; Don Inglis/Shop Foreman.

Absent: None

Visitors: Sandi Corbett-Sears, Ann & Jerry Ferrell, Lowell Packett and Alan Richard.

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 Buman made a motion to accept the October 22, 2007 regular meeting minutes. Council Member DeFreece seconded the motion. Roll call vote: Fisher, aye; Klein, abstain; Buman, aye; DeFreece, aye; whereupon motion carried.

The Treasurer submitted the following claims for consideration: Oct 30 Payroll 6039.30; Nov 13 Payroll 5510.58; NW Mutual Life, retirement 1833.52; BCBS, health ins 5458.13; NE Dept of Rev, withholding 484.60; Union Bank, Soc Sec/Withholding 4666.46; EMC National Life, cancer ins 63.92; Beatrice Public Library, bulk loan 50.00; Binder Bros, concrete 34.80; Cemetery Assoc, appropriations 750.00; Data Technologies, support fee 4872.06; Electric Fixtue, V-relays 190.74; H&H Auto Parts, antifreeze/shop tools/parts 518.49; Ingram Library Services, books 14.51; Martin Marietta, rock 608.24; Pawnee Co Treas, Law Enforcement Agreemt 10566.13; PC Fire Dept, appropriations 70.00; Pawnee Republican, Library subscription 27.00; Aquila, gas service 84.77; Seneca Santitation, October transfers 4747.62; Wells Fargo, clerk shirts/envelopes/postage 959.92; Pawnee True Value, paint supplies/shop tools/antifreeze/drain tubes/repair supplies 168.62; Pawnee Co Clerk, subdivision-Red Bud Crown project 6.50; Municipal Supply, sales tax/freight/repair clamp 269.55; NPPD, electric 3046.65; Great Plains One-Call, October locates 13.78; Suther Bldg Supply, drainage tile 99.10; IIMC, membership fee/support 140.00; Heinen True Value, chain saw repair 60.19; Kerls Service Center, flat repair 5.00; Time Warner Cable, office/library internet 154.90; Matt Parrott & Sons, utility bills 475.96; Carol Glathar, meals/mileage 137.09; Alltel Cellular, emergency cell phone 49.69; The Stitching Farm, shirt logos 82.50; Pawnee Co Rural Wtr, pond wtr hydrant 27.25; Community Ins, Fire Dept group ins 1170.00; Caseys General Store, fuel 581.14; Sunrise Publication, publications 107.63; USIS Commercial Services, drug testing 50.00; Pawnee Floral, mini-park maintenance 50.00; Capital Humane Society, dog relinquished 25.00; Nitelight Electric, elec work on sign 829.25; Prairie Pirates Movie LLC, movies 17.50. 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.

Further clarification and answers regarding what is discussed at meetings in light of the Open Meeting Laws and insurance considerations: Mayor Westing shared handouts with the Council containing information he had gathered from League of Municipalities officials and insurance regarding what can be discussed at City Council meetings in light of the Open Meeting

Laws, costs of lawsuits and the huge increase in insurance rates for the City should a lawsuit occur.

Sheriff Jayme Reed, a report & update – discuss what to do with parking ticket issued to Greg Knowles on 8/19/07 and has never been paid: Sheriff Reed could not make the meeting. Council discussed the Greg Knowles parking ticket issued August 19, 2007 that has never been paid. Council agreed that they need to stand behind Law Enforcement after tickets are issued. Council member Klein motioned for the Clerk to contact City Attorney Stehlik to prosecute and get this taken care of. Council member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Sandi Corbett-Sears, discuss options for dog situations; discuss dog-licensing issues: Sandi Corbett-Sears was present to discuss options and solutions for dog situations and dog-licensing issues. Sandi had done much research on this and presented a detailed handout to the Council on what her findings were. Sandi referred to the plan several times, stating that it was her hope to make Pawnee City a model community, using positive ways of dealing with dog issues. Sandi's plan addressed the need and funding for dog catching equipment and training of City crew and the increase of licensing/fine fees. Council member Klein stated that the clerks have concern on how much of their time will be involved with record-keeping and paperwork. Klein stated that such a plan was needed but would require the 100% backing from the City Council. Klein offered to volunteer her time, along with Sandi Corbett-Sears, to draw up a draft copy of a Dog Ordinance based on Sandi's plan. They will take to City Attorney Stehlik for his review before bringing it to Council.

Jerry Ferrell, discuss his interest in obtaining lots West of 806 5th Street (behind and East of Union Bank): Jerry Ferrell was present to ask if the City would be interested in selling the property West of 806 5th Street (behind and East of the Union Bank on the East side of the creek). Jerry owns the house at 806 5th Street and has an interest in purchasing the property to possibly build a garage or shop. The City currently owns the property and has been mowing it each summer. Council member DeFreece motioned for the City to sell this piece of property on the east side of the creek on 5th Street and to get the legal description to advertise in the Pawnee Republican. Council member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Elizabeth Miller, update on nuisance issue: Elizabeth Miller was unable to attend the meeting to update Council on her property at 131 G Street. Council member Klein stated that she feels that the Council needs to either do something about this property or have it removed from the City's agenda. After Council discussion, it was decided to not put it back on the City's agenda because it is on the list of houses to be inspected by the Health inspector.

Lowell Packett, review letter on complaints on properties, arrows needed @ jct of 50 & 8, streets needing repairs: Lowell Packett had prepared a written statement for the Council concerning unkept properties, the need for arrow markings at Jct of 50 & 8 and repairs he felt were needed on some city streets. Lowell stated that he addressed Council several years ago about the Jct of 50 & 8 and the need for arrow markings with the lanes so that people know which lane they should be in. The Clerks copied previous meeting minutes that were discussed at prior City Council meetings with the option of changing the 4-lane to a 3-lane on Hwy 50. Council stated that the City had made inquiry to the State several years ago and the only change the State would allow would be to make it a two-lane street because it was not actually wide enough to mark it as a 4-lane. Council shared information they had from the Nebraska Dept of Roads with

Lowell and told him that they would have no problem if he wanted to contact the State himself with questions. Lowell has concern about a couple unkempt properties in town and asked what the City was doing with these nuisances. Mayor Westing stated that these properties were an ongoing concern with the City. Council member Buman stated that the Council continues to work with these individuals but that it takes time to get some of these issues resolved. Lowell also recommended a couple city streets that he believes need repair. One of the streets Lowell had listed, is also under Council consideration for the 1 & 6 Year street plans – E Street from 2nd to 6th Street.

Review Community Assessment from State DED in light of our local ED Group

determining the Top 5 priorities: Alan Richard was present to address the Community Assessment from the State DED (Dept of Economic Development). Alan Richard said that the local Economic Development group still needs to meet to determine the Top 5 priorities. He feels that business retention/expansion and housing are top priorities for the local ED group. He commended the City for doing a good job with demolition and removal of run-down properties.

A report and update from Shop Foreman Inglis on tube in alley between 8th & 9th Street and costs of tube, etc. on road by D. North: Foreman Inglis reported that the old crushed tile tube in the alley between 8th & 9th Street is creating a problem and that he would like to put a different tube in, using some old tubing that the City has. Council member DeFreece has spoken with Mike Habegger to ask if they have overrun on concrete at the culvert project, could the City use it to help in fixing the problem at this alley. The tube would need to be replaced first. Inglis has also contacted JEO Consulting/Engineering on the cost to survey the Don North road. A survey at that location would cost the City \$1800-\$3000. To put a tube in by the bulk plant where the old bridge was at and to clear several trees at the location, the cost would run \$8,000-\$10,000. The council discussed at length, options they have to remedy the problem. Council wants a second opinion on the cost for surveying this street and instructed the Clerk to contact the surveyor from Dawson, NE and to include City Attorney Stehlik in this discussion.

A report and update from Council Member Fisher on list of priorities to street repairs, discuss setting this up as the 1&6 Year Plan and Library addition project: Council member Fisher presented a list of street repairs that he and Foreman Inglis suggest after driving around town looking at street repairs needed. The City budgeted \$20,000 for street repairs for 2008. Foreman Inglis received a quote for chip and seal at \$1000 a block. Fisher explained that chip and seal is a layer of hot tar, with a layer of gravel over the top packed in. Council member Fisher thought maybe they could do 20 blocks of chip and seal a year, starting a rotation program every three years. Mayor Westing feels that each street should be looked at separately, that they all have different things that need to be done to them. Council discussed the plan and other street concerns in the City. The Council has until the end of December to make decisions on the 1&6 Year Plan so no action was taken.

Report on the Library was brief. Council member Fisher reported that John Dalgren was the new member to the Library Foundation Board and that the Library project is ongoing.

A report and update from Council member Klein on reviewing Water Project letter of approval & receipt of fees from HHS, review emails from City Atty Stehlik regarding Manor easement on Water Project and review of grant award notice from HHS on right angle drive: Council member Klein updated the Council that the City had received acknowledgement of receipt for plan review fees for approval of the Transmission/Water Main Replacement and Piping Project. Klein had spoken with City Attorney Stehlik and had asked him to proceed with eminent domain proceedings with the Pawnee Manor. Clerk Glathar reported

that Stehlik called today, reporting that there is communication going on as far as the Manor easement is concerned. The City had received a Public Water System Security Grant in the amount of \$5,000 for one right-angle drive at well house #3. The clerks are to proceed with ordering the right-angle materials from Layne-Western.

A report & update from Council member Buman on the Pawnee City Volunteer Fire Dept given permission to take the new fire truck to the funeral services of the fire fighter who died during a fire in Wymore: Council member Buman reported that she had given permission to the Pawnee City Volunteer Fire Dept to take the new fire truck to the funeral service of the fire fighter who lost his life fighting a house fire in Wymore, Nebraska.

A report & update from Council member DeFreece on truck parking lot regarding property owned by Rasty Stephens and the property owned by the City and to discuss the City pond restroom facilities: Council member DeFreece was contacted by Rasty Stephens who was wondering if the City would swap land on the parking lot to make easier access for him to get to his shop that sits on the parking lot. Council members discussed this, directing Council member DeFreece to speak with City Attorney to have him draw up the paperwork; DeFreece will then bring it back to Council for approval. Councilman DeFreece would like to proceed with a restroom facility at the City pond so that it will be in place before Spring. He will check into it further. DeFreece gave approval to Jim Wissler to take a couple ducks out to the City pond, with the understanding that the City would not be responsible if something should happen to them.

Review letters from City Attorney Stehlik on nuisance properties at G.Gilbride & M.Friedly; abandoned vehicles at B.Crosby & J.Packett; letter to J.Armknecht regarding porta-potty: Council was updated on the status of nuisance letters sent to Gerard Gilbride and Maureen Friedly. Joe Stehlik informed the clerks that Gerard Gilbride plans to be in Pawnee City within a month to live and fix up his property. Stehlik emailed this office informing us that Mary Friedly intends to rehab the house West of her current residence for her retirement home. Bill Crosby contacted Stehlik Law that he has moved one of the vehicles behind the fence and the others are licensed. Council feels that this is unacceptable and that the Clerk is to contact City Attorney Stehlik to proceed with the next step. Jake Packett has had no contact with this office concerning the letter that was sent to him about the unlicensed vehicles. Council member DeFreece stated that the City had received a complaint, City Attorney sent the letter out for the City and that the City needs to follow City Ordinance. Jake Armknecht has not picked up his porta-potty from the sewer plant.

Discuss optional dates for the second meeting in December, which is on Christmas Eve: City Council meetings are the 2nd and 4th Monday of every month. Since the second meeting in December would fall on December 24th (Christmas Eve), the Council discussed other possible meeting dates. Council member Fisher moved to have the 2nd meeting in December on Wednesday, December 26th. Motion seconded by Council member Klein. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review correspondence from Cemetery Association's October 2007 Financial Statement: Council discussed and reviewed the financial report submitted by the Cemetery Association.

Discuss request by Mary Friedly to put up a sign by new mailbox instructing people to not back into the street because of children passing by: Council discussed the request by Mary Friedly to put up a sign by the new mailbox instructing people not to back into the street because of children passing by. After much discussion, Council decided that it is the driver's responsibility to be cautious and did not feel that a sign would do much good.

Council Member Buman made a motion to adjourn the meeting. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 9:35 p.m.

Duane Westing, Mayor

ATTEST: _____
Carol L. Glathar, Deputy City Clerk