

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, NOVEMBER 26, 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, Deb Klein, Tom Fisher and John DeFreece; Tamela S. Stephens/City Clerk; Don Inglis/Shop Foreman; Clint Johnson/Zoning Administrator; Sheriff Jayme Reed.

Absent: None.

Visitors: Carol Sisco/Pawnee Republican; Mike & Sharon Schilling, Katie Ringland/Olsson Associates, Bryan Mellage, Sandi Corbitt-Sears, Alan Richard, and Bob Miller.

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 DeFreece made a motion to accept the November 12, 2007 regular meeting minutes. Council Member Buman 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 5542.86; Northwestern Mutual Life, retirement 913.21; BCBS 5458.13; NE Dept of Rev, SWH 310.54; Union Bank & Trust, FWH 3013.98; EMC National, cancer ins 63.92; Barco, discharge hose/gloves 89.26; Maureen Friedly, Christmas bonus 60.00; Stephen Henninger, Christmas bonus 60.00; Donald Inglis, Christmas bonus 60.00; Clinton Johnson, Christmas bonus 60.00; L. Joe Stehlik, atty fees 1653.50; Martin Marietta, stock rock; NE Rural Water Assoc, locate waterline 100.00; Nider's, sup 18.14; OPPD, elec-wells 328.31; Linweld, oxygen/acetylene 71.07; MidWest Labs, sewer samples 67.95; PC Chamber, dues 125.00; Metal Culverts, tube 799.60; NE Public Health, water samples 16.00; Thomson Gale, books 177.75; Windstream, phone/pagers 248.42; Klepper Oil, fuel 162.00; Heinen True Value, rep limb saw 248.40; Tamela S. Stephens, Christmas bonus 60.00; Carol Glathar, Christmas bonus 60.00; Alltel Cellular, emerg cell phone 54.69; Community Ins. Group, fire liab/wc/prop ins 3711.00; Don Brown, Christmas bonus 60.00; Countryside Coop, spray 23.30; Kevin Branek, Christmas bonus 60.00; Lola Seitz, Christmas bonus 60.00. Council Member Klein made a motion to approve the claims. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Council/Mayor Pay: Council Member Fisher made a motion to approve the Council and Mayor being paid at the first meeting in December. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Clint Johnson, Zoning Administrator: Clint Johnson reported on building permits that have been issued and discussed the basements that are going in for the Red Bud Crown housing project. Council reviewed the letter from Mr. Johnson regarding the text change to the notification process, which had been approved by the Planning Commission at a public hearing. Clerk Stephens and Mr. Johnson discussed that this text change may have to go through the public hearing process with the City Council also. Clerk Stephens stated she would check with City Attorney Stehlik on the proper procedure, but to go ahead and pass the Ordinance on the first reading, as the City can always start over with the process if they do have to go through with a public hearing. Council Member DeFreece made a motion to approve Ordinance #855 on the text change to the notification process on first reading. Council Member Buman

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

Sheriff Jayme Reed: Sheriff Reed stated the Dept. had worked at getting the parking stopped on C Street from 5th to 7th Street. Sheriff Reed discussed dog calls. Council Member Fisher stated his concerns over the two-rottweiler dogs, which appeared somewhat unfriendly, on G Street that were being kept in a very low fenced area. Council Member Klein stated she had met with Sandi Corbitt-Sears to discuss solutions to the ongoing dog problems the City seems to keep encountering. Klein stated they are setting up an Animal Control Board, which will consist of herself, Sheriff Reed, Sandi Corbitt-Sears and Phyllis Wherry. This board will be working on updating the City's Dog Ordinances to include changes to the fines and increasing the dog licensing fees to try and cut back on the dogs running around town unlicensed. Sandi will have the first draft of the Ordinance ready for the Animal Control Board's review at their Friday meeting, then copies will be given to City Attorney Stehlik for his approval, at which time it will go before the board for their approval. More discussion was had on the dogs on G Street. Clerk Stephens stated that when Mr. Christensen came in to pay his water deposit he was asked about licensing his dogs, at which time, he replied that he would have to find the rabies shot paperwork and come back in, which he has not to date. Sheriff Reed stated she could go ask Mr. Christensen if he had the dogs licensed and if he doesn't, issue a citation. The Animal Control Board will keep the Council updated on their progress.

Bob Miller, Hazardous Mitigation: Bob Miller, Asst. County Highway Supt. met to discuss updates he had obtained on the Hazardous Mitigation process. Mr. Miller stated the Nemaha Natural Resources District had come out with a first draft of the Scope of Services for the District-Wide Hazard Mitigation Plan. Mr. Miller reminded Council that this is a 75/25 grant and they are still trying to figure out how each entity will share in the 25% match. His recommendation would be to base it on population. Council Member DeFreece made a motion to send a letter to Nemaha NRD stating our City is interested in being a part of this mitigation process. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Mr. Miller stated that Lori Moore with the Nebraska Emergency Management Agency would be the best contact person to get a hold of if any Council Members were interested in finding out more information about this.

Report & Update with Council Member Buman with Bryan Mellage: Bryan Mellage introduced Katie Ringland of Olsson Associates who gave a presentation on applying for grants to get the City's Sewer Preliminary Engineering Report (PER) done. Ms. Ringland stated that she had researched two different grant options for the City, a planning grant with CDBG and a Wastewater/Water Grant and it appeared it would be to the city's advantage to move forward with a CDBG Planning Grant to get the City's Sewer PER. Ms. Ringland stated that Olsson Associates would write the grant and do the Sewer PER for the City. The PER would include different options as to where to build the sewer plant, either in it's current location or to move it on South of the dam, where the proposed lake project is located. Ms. Ringland handed out a timeline schedule to get the grant application into DED with the final grant application submitted by January 25, 2008. Much discussion followed. Ms. Ringland stated Olsson Associates would be doing this PER for the City's best interests, and it would be at the final decision of the City for where the Sewer Plant would be located. Council Member Klein inquired to Mr. Mellage what he would gain out of all of this? Mr. Mellage stated he would like to continue to work with the City and be a partner and in cooperation with the City on this project. Council reviewed the e-mail from Kevin Burnison, SENDD stating he would be attending a meeting this Thursday on the CDBG Annual Action Plan Public Hearing and bring back any information on changes by NeDED to the application process for the CDBG Planning Grant. Clerk Stephens stated this Planning Grant Ms. Ringland is talking about is the same grant that Mr. Burnison was planning to write for the City. Council decided it was best to not commit to anything until they had a chance to meet with Mr. Burnison and see what he brings to

the table on additional information on this planning grant. Clerk Stephens to place Mr. Burnison on the December 10th agenda.

Kevin Branek's 1 yr. Evaluation; .50 raise: Council Member Klein made a motion to go into executive session at 8:23 p.m. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Klein made a motion to come out of executive session at 8:30 p.m. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member DeFreece made a motion to give Kevin Branek a .50/hour raise in pay effective immediately. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Resolution #19 putting lots up for sale: Council reviewed Resolution #19 and Notice of Resolution for putting the East ½ of Lots 4, 5, & 6, Block 16, Original Pawnee City up for sale to be posted. Council Member DeFreece made a motion to pass Resolution #16 approving the sale of the East ½ of Lots 4, 5, & 6, Block 16, Original Pawnee City with sale date to be December 5th at 1:00 p.m. at City Hall. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Hay Farm Lease: Council reviewed the Hay Farm Lease, currently held by Jim Wissler with Council stating they thought Mr. Wissler did a good job of managing the hay ground. Council Member Fisher made a motion to continue the Hay Farm Lease with Jim Wissler for another year effective January 1, 2008. Council Member Klein seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Chamber's 2007 List of Projects and Accomplishments: Council reviewed the 2007 list of projects and accomplishments from the Pawnee City Chamber.

Review letter from Pawnee City Development Corporation on Historical Marker: Council reviewed the letter from the Pawnee City Development Corporation, acting on behalf of several area groups asking permission to erect a State of Nebraska Historical Marker at the corner of 7th & G Streets in the middle of the grass area of the mini-park. Council Member DeFreece made a motion to approve the request for the placement of a Historical Marker in the grass area of the mini-park. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review letter from NDOR on program setting up Yield Signs at passive public railroad crossings: Council reviewed the letter from the Nebraska Dept. of Roads on the program they have in setting up yield signs at passive railroad crossings.

Review letter from William Schellpeper, III: Council reviewed the letter from William Schellpeper, III stating that he would be joining MBA Poultry, but continues working at Gilmore & Bell in an "of counsel" capacity on TIF, etc.

A Report & Update from Shop Foreman Inglis on Co. Backhoe for sale and Layne Western measuring for right angle drive: Foreman Inglis reported while Asst. Co. Highway Supt. Bob Miller was at the meeting that the County will be putting their 2003 Cat 430D Backhoe out for bids in January. The backhoe only has 1700 hours and extends 21.02', which would be a huge benefit to the City when they are working on water main breaks. Mr. Miller stated that the main reason the County is putting this piece of equipment out for bids is that their bridge crew went from four people to two people and they just don't have the personnel to run it. Mr. Miller also stated the County bought this piece of equipment

brand new so there are not many hours on this backhoe. Foreman Inglis reported that Layne Western would be here next week to measure out to Well #3 for the Right Angle Drive, which the City received a \$5000 grant from Health & Human Services for.

A Report & Update from Council Member Fisher on 1&6 Year Plan and Library Addition:

Council Member Fisher stated that Foreman Inglis and himself would be going out to continue to inspect the streets throughout town and come back with their final recommendations for the 1&6 year street plan. Mayor Westing stated he had suggested having someone come and talk to the Council on the pros and cons of chip and seal vs. concrete or asphalt. Foreman Inglis stated he would suggest the City contact Chad with Constructors to come and talk with them about this. Mayor Westing stated he felt it would be good to have it all drawn out on the costs for the City over a 15-year period on chip and seal. Council Member Fisher reported that the Library Foundation Board is considering the pros and cons of what the architectural firm has provided to them for plans on the Library Addition. Fisher also reported that the Foundation has a full board now that John Dahlgren has been added to serve.

A Report & Update from Council Member DeFreece on Don North Road, truck parking lot property swap and pond restroom facilities: Council Member DeFreece stated he had spoken with City Attorney Stehlik concerning the Don North road and Mr. Stehlik had stated that since the Don North "road" had been used as a road for years, he would recommend the City have a survey done so that we know exactly how much footage is required on all of the bordering properties to make it a road. Stehlik then recommended doing a quitclaim deed to the City on each of the properties so that it becomes a street, then the City can consider closing the street, at which time the City gives the properties back to the landowners. This would make it a private drive for Terry Kerl to his bulk plant. Deputy Clerk Glathar had checked on prices of surveying from Brent Jorgensen and his quote was \$350 for any in-town surveys. Council Member DeFreece made a motion to have Jorgensen's Survey the "road" and then once surveyed have City Attorney Stehlik continue to work on the paperwork to proceed. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member DeFreece stated he had visited with City Attorney Stehlik on the paperwork needed to swap lots with Rasty Stephens down at the City Truck Parking Lot. Foreman Inglis stated he would recommend the City have Jorgensen's also survey those lots down at the City Truck Parking Lot while they were in town. Council Member DeFreece made a motion to have Jorgensen's survey the lots at the City Truck Parking Lot. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Mr. DeFreece also reported that he had been talking with NRD on where they had gotten their restroom facilities and how they pumped them out and when he gets all of the information he will report back to Council.

A Report & Update from Council Member Klein on the Water Project and Animal Control:

Council Member Klein inquired to Clerk Stephens if she knew where the Manor's Easement was at, as this is the last step we are waiting for to proceed with the Water Project? Clerk Stephens reported that City Attorney Stehlik had received an e-mail stating the Easement was enroute to Pawnee City. Council Member Klein stated she would visit with Mr. Stehlik this week to see when it was expected to arrive. The Animal Control issue was talked about previously in the meeting when Sheriff Reed was present.

Health Inspector, steps to be taken, updated price list: Mayor Westing had requested Deputy Clerk Glathar contact John Riggs, the Health Inspector City Attorney Stehlik had recommended the City contract with to perform the inspections of nuisance properties in town. Council reviewed the notes Deputy Clerk Glathar had written up on steps that need to be taken to get everything in order to do the inspections including getting an Ordinance in place, which was passed on September 24, 2007, Mr. Riggs would need to meet with the Health Board to discuss questions and concerns about his services

and the City would need to appoint him as active billing official under contract. After Council appoints Mr. Riggs, he and the City Attorney will work together closely to do the job. Council reviewed Mr. Riggs updates to his price sheet, stating they still felt the City needed to proceed with the nuisance property inspections. Mayor Westing stated there were 10-15 properties that the Health Board was considering for the inspections. Westing stated he would check with City Attorney Stehlik on how to get written permission from the property owners to do the inspections.

Review places and things submitted by Lowell Packett for inspection: Council reviewed the places and things listed by Lowell Packett that he felt the City Health Board needed to go check out. Council stated that the City has already addressed several of the items Mr. Packett listed. Council Member Fisher made a motion to adjourn the meeting. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 9:13 p.m.

Duane Westing, Mayor

ATTEST: _____
Tamela S. Stephens, City Clerk