

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, OCTOBER 22, 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, Tom Fisher and John DeFreece; Tamela S. Stephens/City Clerk; Don Inglis/Shop Foreman; Joe Stehlik/City Attorney; Clint Johnson/Zoning Administrator.

Absent: Council Member Klein.

Visitors: Mary Ritchie, CPA; Carol Sisco/Pawnee Republican; Dalen Beeche, Terry Kerl, Don North.

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 October 8, 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 5467.36; Northwestern Mutual Life, retirement 901.28; Barco, signs 126.71; Data Tech, W2's 139.64; H&H Auto, sup/rep parts 348.08; Ingram, books 318.03; Kerl's Service, equip fuel 400.50; Stehlik Law, atty fees 1320.00; OPPD, elec-wells 344.42; Seneca Sanitation, dumpsters/Sept transfers 4785.04; SENDD, 3rd qtr adm fees 1060.74; Utility Section, water training 70.00; Midwest Labs, sewer samples 108.95; Public Health, water samples 27.00; Windstream, phone/pagers 196.11; Kerl's Service, tire repair 10.00; Modern Methods, Lanier copier overages 15.70; JEO Consulting, Water Proj. Inv. #10 6632.00; Office Depot, toner sup 114.99; Clean As New Carpet Service, carpet cleaning 209.60; Davis Inotek, tower control sup. 48.89. Council Member DeFreece 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.

Open Meeting Laws: Mayor Westing talked with each of the Council Members briefly beforehand about the open meeting laws. Westing has talked with various Mayors and they encouraged the Council to hold a retreat and invite Gary Crumland, League of Municipalities to discuss the changes in the open meeting laws. Mayor Westing stated what it comes down to is if it is not on the agenda, then the Council cannot discuss or reply to it, although there are some gray areas where emergency situations are acceptable. It was decided to have the Clerk list each time on the agenda "A Report and Update from Council Member DeFreece on parks and pool, Council Member Buman on sewer and fire and Council Member Klein on water, adding Streets to Council Member Fisher's report along with the library project.

Clint Johnson, Zoning Administrator: Clint Johnson reported there have been two building permits issued since he last came before the Council. Mr. Johnson stated that Colleen Baumert, member of the Library Foundation Board had talked with him about building codes for the Library. Johnson discussed the curb cuts requested on G Street between 13th & 14th Streets for the two new driveways facing G Street with the Red Bud Crown housing project located in that area. Clint stated they have moved the location of the houses back 5 feet. It was discussed whether to have the City cut the curbs or have the Contractor do the work to the City's specifications. Council Member DeFreece made a motion to give the Contractor permission to cut the curbs with specification of the Contractor contacting the City office

to have direction from the City Foreman first. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Mary Ritchie, CPA: Mary Ritchie met with Council at their request to discuss various issues. Mayor Westing stated that he had read in the draft engagement letter for the upcoming audit that Ms. Ritchie would report at the regular Council meeting at the conclusion of the annual audit. Mayor stated that he felt some of the Council Members were upset by Ms. Ritchie missing the meeting a few weeks ago and doing her reporting to them with a conference call. Clerk Stephens state that at that time we were doing the budget hearing, not reviewing the audit, so this letter does not apply to that budget hearing. Council Member Buman stated she had concerns about the way Ms. Ritchie sometimes gets back to the Clerks in a timely matter on replies to e-mails or phone calls. Council discussed having a contract with Ms. Ritchie for her services that she provides throughout the year where she would assist the Clerks monthly or quarterly. Clerk Stephens stated she did not see that they would need to use Ms. Ritchie monthly, but having her come to the office quarterly to look over things they may be having trouble with would be very helpful. Ms. Ritchie asked Council what they were asking for in a contract, based on an hourly basis or a retainer type basis? Ms. Ritchie stated it would work for her schedule to come quarterly to assist the Clerks in areas they were struggling with to check on their monthly reconciliation and help them work up a quarterly board report to better show the Council where the City was standing financially. Ms. Ritchie stated she was working with the State Board for her Peer Review and would know within a few weeks how that all goes on whether she would be able to perform the City's audit this year. If it comes out that she is unable to perform the City's audit, she will pass on all of her information she has obtained with the City and assist the Clerks in getting everything ready for the City's audit. Council Member DeFreece inquired if Ms. Ritchie could give some references to the City for a different auditor if that should happen. Ms. Ritchie stated she would provide that information along with everything else the City needed to get their audit performed in a timely matter.

Updates on options on road by Don North: Council Member Fisher stated he had visited with Terry Kerl and Dalen Beethe on the Council's recommendations to having Beethe's give Terry an easement to drive around their property. Fisher stated that Dalen and Scott Beethe are against tying up their property with an easement. Dalen Beethe stated he did not understand why the City could not just leave the road as it is. City Attorney Stehlik stated the road needs improvements, in the condition it was in, it held the City liable and will continue to, if the City imposes minimum maintenance standards on that road. Council stated they needed to come up with what was the best option for everyone involved. Mr. Beethe stated again, why not just leave it alone? Don North stated that if the City wanted to widen it and straighten it out, he would deed the property the City needed over to them. Mayor Westing stated that the City was looking at all of their options at this time. Mr. North stated that if it was to remain open, it needed to become a two-lane road, as if vehicles meet on the road, they drive on his yard to get over. Council stated that it would need to be surveyed before they did anything like that. City Attorney Stehlik stated if the City wanted to stake it out and everyone is orally agreeing to it, they could get the property owners to quit claim deed property over to the City saying "this is where the street is", but Joe would recommend having it legally surveyed. Another option was brought up of putting a 10" tube in South of the bulk plant to make it accessible to get to. Discussion was had on this possibly being part of the Railroad ROW. Mr. Kerl stated that he thought what he drove on to the bulk plant was possibly Railroad ROW. City Attorney Stehlik stated that his recommendation was to avoid anything to do with the railroad because they are impossible to deal with. Shop Foreman will look into the costs of the named options.

Review letter on Porta-potty: Council reviewed the letter that City Attorney Stehlik had written to Jake Armknecht, owner of Southeast Nebraska Porta-Potty regarding Mr. Armknecht negligently leaving the same porta-potty at the City Pond from July 16 until the end of September when the City Crew removed

the porta-potty to the Sewer Plant. The letter also stated the problems with Mr. Armknecht not removing his porta-pottys in a timely manner from public auctions that are held in town. Foreman Inglis stated that Mr. Armknecht had left a message on his personal phone this weekend asking if he could retrieve the porta-potty that had been out to the City Pond. Inglis had not returned Mr. Armknecht's call as he had been told to not retrieve the porta-potty after regular City hours. Stehlik stated Mr. Armknecht had contacted his office Saturday morning and he had given him Foreman Inglis' home phone number as Jake was picking up the porta-potty from the Lois Moon property and was looking for the one that the City had. Clerk Stephens stated that Deputy Clerk Glathar had talked with Mr. Armknecht on two separate occasions telling him that the City had placed the porta-potty inside the fence to the Sewer Plant and that they would have to pick it up during regular business hours. After much discussion on the matter it was decided to have City Attorney Stehlik send Mr. Armknecht another letter.

Discuss trailers being left in City Truck Parking Lot: Council discussed with City Attorney Stehlik, the continuing problems with M&M Trucking (Jim McLaughlin) parking their trailers for extended periods of time at the City's Truck Parking Lot. Clerk Stephens stated that Sheriff Reed had started marking tires after the last Council meeting and has issued one parking ticket to M&M Trucking to date. Clerk Stephens inquired where the City Employees were to tell people to go park their trailers when the lot is full? City Attorney Stehlik stated that 5-411 is the Ordinance that refers to the 72 hour parking time limit on a public street or in a City parking lot. Ordinance #5-410 allows the Council by Resolution to fix a time limit or entirely prohibit for the parking and stopping of vehicles on any streets or district designated by such resolution. Council inquired what they could do to get Mr. McLaughlin to stop leaving the trailers there for the extended periods of time? City Attorney Stehlik stated that having Sheriff Reed mark the tires and issue parking tickets was a good start. Mayor Westing inquired about raising the fine from \$15 for a parking ticket to something more extreme? Mr. Stehlik stated that Ordinance #5-410 would allow the Council to do this. Council directed Clerk Stephens to work on an Ordinance stating the fine would be \$50 after 72 hours parking specifically in the City's Truck Parking Lot and for every consecutive period of 72 hours, a new \$50 fine would be ticketed. City Attorney Stehlik will assist Clerk Stephens in writing up this Ordinance.

Discuss M&M trailers with blood residue in them in City Truck Parking Lot: City Attorney Stehlik discussed the problems the City had encountered with M&M Trucking having trailers with blood residue and odor parked at the City's Truck Parking Lot. Mr. Stehlik stated that City Clerk Stephens had contacted him after she had received word from Sheriff Reed verifying that the trailer Clerk Stephens had taken a picture of at the time of one of the trailer incidents was leased to Jim McLaughlin, per the Department of Motor Vehicles. Mr. Stehlik discussed what he felt would be a good Ordinance to use to go after Mr. McLaughlin stating Ordinance #4-201 would work best as it states it is unlawful for any person to keep in.....the Municipality, decayed vegetation or animal substance, garbage or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Municipality.... Mr. Stehlik stated this offense could result in a fine up to \$500 and he would recommend the City asking for restitution in the matter. Council Member DeFreece made a motion to give City Attorney Stehlik the approval to go after Jim McLaughlin with M&M Trucking on the blood residue trailer issue at the City Truck Parking Lot. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. At this time Council Member Fisher stated that the Coop started filling the Corn Bunker at the end of B Street, so they should be prepared that Mr. Amos may start parking vehicles along that street to try and obstruct truck traffic going to the Corn Bunker. Council stated that if this happens Sheriff Reed should just be contacted.

Discuss 1&6 Year Street Plan: Council reviewed the 1&6 Year Street Plan from last year. Council Member Fisher will get with Foreman Inglis to look over what is listed and make their presentation of

changes at the next meeting. Council Member Fisher stated he would like to look into starting a Chip and Seal Program, which costs approximately \$1000/block, looking at doing around 15 blocks per year. Fisher stated they could use money from the Motor Vehicle Tax to help fund this yearly project. Mayor Westing asked Clerk Stephens to look up what patches the Council had listed when discussing the plan last year and report back to Council.

Request for both clerks to attend Summit training in Geneva: Clerk Stephens requested that both Clerks attend the Summit User Group Meeting in Geneva on Thursday, November 8th at a cost of \$25 each. Clerk Stephens stated the training will include updates to the General Ledger, Accounts Payable, Bank Reconciliation, Utility Billing and Payroll, which all are modules the City has. Council Member DeFreece inquired if this would be a busy time for the office to be closed, as far as people coming in to pay their water bills? Clerk Stephens stated the Bills would be sent out on the 1st, and customers would have until around the 15th before they were due. Council Member Buman made a motion to approve both Clerks attending the Summit Training Workshop in Geneva on November 8th, closing the office that day. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Council directed Clerk Stephens to publish that the office would be closed in the newspaper and post it on the front door. Foreman Inglis stated the City Crew would be around to assist any customers that needed help that day through the City Cell phone.

Review 3rd quarter-hours for Sheriff's Dept: Council reviewed the Sheriff's Department's hours worked for the 3rd quarter of 2007.

Review Hazard Mitigation Planning information: Council reviewed the invitation from Nemaha NRD on their Hazard Mitigation meeting to be held on October 23. Council also reviewed information obtained from Jared Nelson, JEO including brochures on Hazard Mitigation Mailing that describes very clearly what hazard mitigation planning is and what it involves. Mr. Nelson had stated in his letter to Council that there are a lot of specific requirements as required by FEMA, as the whole process is pretty involved. Mr. Nelson also enclosed a brochure on Hazard Mitigation Planning – More Detail. Council stated that they felt they would wait to hear more from Bob Miller, who has agreed to bring information before the Council as he get it.

Discuss updates to City Water System Project: Council reviewed the comments from Health and Human Service's review of the Water Project's Plans and Specs. They also reviewed the response from Evan Wickersham, JEO referring to HHS' review letter, stating that he had all of their comments addressed and have revised the plans ready to send in. Mr. Wickersham stated everything was ready to go except for the easement document from the Pawnee Manor and the documentation for the railroad crossing, which City Attorney Stehlik has been working on. Council reviewed the letter City Attorney Stehlik had sent to the Railroad stating that this letter would provide written notice of the intent to proceed by the City of Pawnee City to utilize the Nebraska State Highway right-of-way located on the north-south half section line of Section 11, Township 2, Range 11. It stated that the said highway ROW was originally a County public road established and opened prior to October 19, 1861, which predates the appropriation of ROW from landowner W.C. Laue by The Republican Valley Railroad Company on June 16, 1881. City Attorney Stehlik stated he had not heard from the Manor's attorney in the past couple weeks, but that she had been keeping in touch via e-mail, so it should not be too long and the City will have that document in hand.

Report & Update from Council Member Fisher on the Library Addition Project: Council Member Fisher stated the Library Foundation is still in the planning stages. Mr. Fisher did report that he had stated at a previous Library Foundation meeting that if the City owns the Library, anything that is going to be done, has to be approved by the City Council before they can proceed.

Discussed complaints received on properties; health board drive-around: Council reviewed nuisance complaints received on houses at 926 E Street belonging to Dale Wissler, 439 F Street belonging to Don Graham and weeds, tall grasses & trees on East part of property up against house at 1110 G Street belonging to Stacy Grantski. Council inquired where City Attorney Stehlik was with the Sebek property on 5th Street? Mayor Westing will check into this property before the Health Board meets. Council Member Fisher inquired on who owned the old machinery and camper South of where Moser's have their trees planted off of H Street? It was stated that those items all belonged to the Mosers. Mayor Westing stated that the Health Board would be doing their drive-around on Tuesday, October 23rd, so they would like any suggestions of other properties that need to be inspected to them before noon.

Report & Update from Shop Foreman: Shop Foreman Inglis reported that a lightening storm had taken out all three wells over the weekend of October 13th. Inglis stated the lightening actually hit Well #1 and the surge went through the underground wires to take out the other two wells. This took all three circuit boards out and also took the transducer out on Well #1. Foreman Inglis stated that City Crew Member Clint Johnson was on duty over that weekend and did an excellent job and working to get a well up and running back online. Chris Gottula was called in and he had a circuit board on hand so they were able to get Well #3, which is the City's best well, back up and running. Mr. Gottula has ordered two more replacement boards for the other two wells and had his well man Strader come out and check on Well #1 and all is o.k. and there was no major damage caused on that. Foreman Inglis reported that Pawnee City Schools Superintendent Koehler had contacted him regarding the problems they are having with parents illegally parking at the 8th Street stop sign across from the School. Mr. Koehler had inquired about getting a sign placed there that said no parking from her to corner. Council discussed this at length stating that Sheriff Reed should be contacted on this matter to start issuing parking tickets, as a vehicle is required to park 20 feet away from a stop sign and there is a fire hydrant there also, which requires parking 25 feet away from it. Carol Sisco, *The Pawnee Republican*, stated she would put something in the newspaper making people aware that parking tickets would be issued for these types of parking issues. Foreman Inglis reported that the pond tube driveway project was finished and they ended up putting in a 40' tube. Foreman Inglis stated that he had been approached by Dalen Beethe on the problems with the North side of 10th Street, which is heading to Beethe's truck shed, needing some rock to help with the "washing problems" it has had with all of the rain. Council directed Foreman Inglis to take care of putting rock on that street. Foreman Inglis reported that they had been notified by Burlington Northern Railroad of a train engine derailment that happened before 6:30 a.m. Monday morning, which blocked 14th Street heading to the Winery. Foreman Inglis stated that Sharon Schilling had been in Thursday and requested rock be put in the potholes on 14th Street, as they were scheduled to have a corvette club come out to the Winery over the weekend. Inglis stated they had put rock on both the East and West Side of the tracks and also in between the railroad tracks where there were also large potholes, which the Railroad is stating caused the derailment. Clerk Stephens stated that the City's Insurance agent had been contacted on the incident.

Review ad to go into Pawnee City's 150th Anniversary Special Edition of newspaper: Council reviewed two sizes of ads for the City to run an ad in the newspaper's Special 150th Anniversary edition of Pawnee City. Council Member DeFreece made a motion to go with the 2x6 size ad to run in the special edition for Pawnee City's anniversary. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. 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 9:24 p.m.

Duane Westing, Mayor

ATTEST: _____
Tamela S. Stephens, City Clerk