

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, OCTOBER 8, 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; Tamela S. Stephens/City Clerk; Don Inglis/Shop Foreman; Sheriff Jayme Reed.

Absent: None.

Visitors: Leilani Herald, Michael J. Donahue, Byford Metzger, JoAnne Andrews, Pete Gilbert and Mike Donahue, III.

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 September 24, 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 5563.83; Northwestern Mutual Life, retirement 901.24; US Postal Service, mailing UB 121.51; Binder Bros, concrete/lime 374.85; Maureen Friedly, mileage 67.42; Mary Ritchie, budget prep 1730.00; Hach, sewer supplies 52.80; Nider's supplies 24.05; Pawnee Co. Treas, handi-bus agreement 2417.22; PC Fire Dept. Approp. 70.00; Aquila 93.93; Wells Fargo, cert ltrs/rep parts/ACH paperwork 319.87; Pawnee True Value, supplies/rep parts/paint 105.82; MARC, deod/sew solv 599.55; NPPD 3737.24; Airport Authority, tax transfer 1075.00; Time Warner Cable, Lib/office internet 154.90; Pawnee Co Rural Water, water @ pond 27.25; Sunrise Pub, publishings 626.25; Pawnee Floral, park maint. 50.00; Countryside Coop, tordon 23.30; Pawnee Co. Clerk, water liens 14.50; Great Plains One-Call, Sept. locates 31.13. Council Member DeFreece made a motion to approve the claims. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Sheriff Jayme Reed: Council reviewed the letter written to Jim McLaughlin on odor problems at the truck parking lot along with the billing for lime. Clerk Stephens stated that Mr. McLaughlin refused to sign for the letter stating to Deputy Tuttle that it was not his trailers that caused the problems. When Deputy Tuttle ran the plate with Tecumseh Dispatch, it came back that it was expired and did not belong to anyone, so Sheriff Reed stated she was checking into it with the Department of Motor Vehicles to see whom it belonged to. Council discussed the truck traffic problems on the side streets during the State Culvert Project on 7th Street, which has shut down the highway at this location. Sheriff Reed stated that the signs that the state has up are very confusing, as if you were a truck and had to choose between going to the North on a gravel road that leads to 14th street or going to the South on a paved street, you would probably choose the paved street, as you may not be sure where that gravel street goes to. At this time, she is not sure how they would ever keep the trucks from occasionally going on 5th street. It was discussed that these trucks are suppose to just be local truck traffic, but the signs do not state that. At 14th & F Street the signs state no thru trucks, which means only local traffic can use these streets, but if you are not aware of that, it is very confusing. Sheriff Reed stated that there is not a whole lot the Sheriff's Department can do at this time but to monitor the situations and see if they can get the word out that those side streets are for local traffic only, not over the road truck drivers. Clerk Stephens stated they had received a complaint on the parking of vehicles on both sides of C Street on the night of the

homecoming football game, which has been designated as the truck route. It was discussed that C Street from 5th to 7th Street needs to be kept clear to allow the trucks to park in the truck parking lot. Council Member DeFreece made a motion to put No Parking Either Side Truck Route signs up on C Street from 7th to 5th Street. Council Member Buman seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Sheriff Reed stated that she had talked to Carol Sisco with the Pawnee Republican about starting a dog licensing campaign to get everyone to license their dogs because of health issues, rabies shots, etc. because if the Sheriff's Dept. is going to start enforcing it, then she wants people to be aware that at some point in time the dept. may be approaching them asking if they have licensed their dog. Sheriff Reed also spoke on a barking issue she has dealt with in the past, where these people have around 12 dogs, so she had looked into what ordinances the City had to limit the number of dogs. The zoning ordinance does address the number of dogs at one address. Mayor Westing stated to put these dog issues on the agenda to be talked about when Sandi Corbitt-Sears is here in November. Council Member Fisher stated he had concerns over someone taking their truck out and getting it muddy and then not parking it in front of their residence, so the mud could fall off somewhere else. Sheriff Reed will check into the situation and take care of it. Council reviewed the pictures, including license plates, that the Clerk had taken of the trailers and trucks in the truck parking lot Friday evening, when it was completely full. Council discussed the truck parking lot issue with Jim McLaughlin's trucks and trailers being parked in the truck parking lot for days at a time, which leaves no place for the people who live in Pawnee City to park their trucks and/or trailers when they get to town. Sheriff Reed stated she would be marking the tires of those trailers left in the parking lot when she left the meeting.

Propane Permit Public Hearing: Council reviewed the application for a propane permit from SchillingBridge Winery & Microbrewery. Council Member DeFreece made a motion to open the public hearing at 8:00 p.m. Council Member Klein 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 approve the propane permit for SchillingBridge Winery & Microbrewery. Council Member Buman 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 close the public hearing at 8:19 p.m. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Public Hearing on Vacating an alley: Council reviewed Ordinance #854 on vacating the alley in Block 23, Hollinshead's Addition between 13th & 14th Street requested by Leilani Herald. Council reviewed letters sent to property owners Leilani Herald and Bill Crosby. Council Member Klein made a motion to open the public hearing for vacating this alley at 8:18 p.m. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Fisher made a motion to pass Ordinance #854 on the first reading to vacate the alley in Block 23, Hollinshead's addition between 13th & 14th Street. Council Member DeFreece 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 suspend the three readings of Ordinance #854. 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 close the public hearing at 8:22 p.m. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Cemetery Association: Members of the Cemetery Association, Michael J. Donahue, Byford Metzger, JoAnne Andrews, Pete Gilbert met to discuss the Cemetery Association's financial status. Mike Donahue, III joined the meeting in the middle of discussing the Cemetery Association. Council had reviewed past Council meeting minutes, letter written, bank statements, ledgers, and audit report pages

from the last few years. Mayor Westing began by stating that he wanted the Cemetery Association to know we appreciate all that the Cemetery Board does for our community and it is not that the City does not trust them, but that they have some unanswered questions. Council Member Klein stated that she felt the Council was trying to figure out if the Cemetery Board really needed the money, because if they didn't there were other organizations that could use it. The first question was on the \$45,000 CD and why it is rolling the interest back into the CD instead of putting it into their savings account. Mike Donahue, III stated he was trying to get that CD up to the amount that they could split it into two \$25,000 CD's because they can get a much better rate, staggering the maturity dates of all of their CD's. Michael J. Donahue stated that the Cemetery Board is actually a historical thing as the Cemetery Board was set up by Statute over 100 years ago as the Pawnee City Cemetery Association and the Pawnee City Council has always contributed to the upkeep of the Cemetery. Mr. Donahue referred to those past members of the Community who have come to rest in that Cemetery and he felt it was part of the City's obligation to continue to contribute money to assure that those who are buried there have a beautiful cemetery to be in. Council Member Buman stated that one of her main questions was why they hired somebody that had a higher bid than any one else who applied, and then came to the City afterwards wanting a higher contribution from them? Byford Metzger stated that the other person that had applied was a teacher from Tecumseh and was just looking for a summer job and had planned to be gone on vacation for a portion of the summer. Jerry Jacobitz was the best person for the job at the time. Council Member DeFreece inquired about the \$2000 that was transferred from Savings a couple months ago, because if they have money in savings, then do they really need extra money from the City? Mike Donahue, III stated that he puts extra money from the perpetual care fund into a savings account and when they need it, they transfer it to their checking account because if the money sits in the checking account, they do not earn any interest on it. Next they discussed the Perpetual Care Fund. Mike Donahue, III stated they are only required to put in 10% of the fee into the perpetual care fund by State Statute, but out of the \$275 fee the Cemetery Association puts \$150 into the perpetual care fund. Mayor Westing stated he had visited with Joe Davis and Mr. Davis had stated that the Cemetery Association really needed to put in as much as they could into the perpetual care fund to make sure they can take care of the cemetery in future years. Council discussed the re-selling of old lots. Mike Donahue III stated he had checked into the possibility of re-selling the old lots that nobody was claiming anymore. They did check into it and according to the Attorney General's opinion they cannot re-sell those old lots. They have started to try and contact some of the family members whose ancestors owned these graves, but don't always get very far with that because sometimes the family thinks they should hang onto those plots. The Cemetery Association has changed their write-up on the cemetery plots to include a 50-year clause that says that it can revert back to the Cemetery Association if not used in 50 years. Mayor Westing stated that at the Cemetery Association's last meeting they discussed options to contact families with letters for future funding. Joe Davis stated he felt families could make donations for the Cemetery through the Pawnee City Community Foundation. Council inquired what Mr. Jacobitz did during the winter months for the \$550/month that he received? It was stated that he fills the graves after they have settled, cleans the area surrounding the plot from snow before a funeral and currently has been working on cutting back the peony plants this fall. Mayor Westing inquired to Council how often they wanted to see the ledger sheets and bank statements from the Cemetery Association? It was stated that semi-annually should be often enough for them to review their statements. Council Member Fisher made a motion to pay the Cemetery Board for September and October. Council Member Klein seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Application & Resolution #18, Sub-Division of property by Water Tower: Council reviewed the application and Resolution #18 regarding the request from Red Bud Crown, LLC for subdivision of real estate located in Lots 8, 9 and 12, Block 2, North Pawnee City up by the water tower. Council Member DeFreece made a motion to approve Resolution #18 for the sub-division of property by the Water Tower.

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

Discuss Options on road by D. North property: City Attorney Stehlik met to discuss the options the City could follow concerning the road by the D. North property. Mr. Stehlik stated the easiest option would be to file a written easement between Beethe's and Kerl's to let Terry go around on Beethe's property and this easement would follow the owners of the property, the easement would always be there. Council Member DeFreece stated that they had been verbally told that the property owners would deed property over to the City, so the City could adequately maintain the road. Mr. Stehlik was concerned that if the City planned on obtaining property to make this a two-lane street with a ditch on the South side it could be a tough, expensive road. Council Member Klein inquired if the City could have the property owners deed the property over to Terry Kerl and make it a personal drive with barricades up on each side of the railroad tracks to show it was not a through street. Much discussion followed. Council Member DeFreece stated he felt that if the City was going to keep the road the way it is, then the City needed to get the land deeded from the property owners to the City. Mayor Westing stated he felt they should visit with Terry Kerl again. Council Member Fisher will contact Mr. Kerl and discuss the options that were discussed at the meeting.

Discuss Port-a-pottys left in town: City Attorney Stehlik stated he had previously talked with Clerk Stephens about the problems that the City has had with the gentleman, Jake Armknecht who owns the port-a-potty business, which the City uses at the City Pond. It was discussed that the last time Mr. Armknecht brought a port-a-potty out to the pond was July 14th and it had never been changed, so the City Council had the City crew remove it after continually contacting Mr. Armknecht to come and just pick the port-a-potty up. The City Crew took the Port-a-potty to the Sewer Plant on September 17th and to date it is still inside the fence to the Sewer Plant. Council Member Klein stated that Mr. Armknecht is also responsible for the port-a-pottys that have been left at sales in town for several weeks before he comes and picks them up. Klein felt this then becomes a health issue for the City. Mr. Stehlik stated he had looked through the City Ordinances and also State Statutes, with having not much luck in finding something to charge him with. Mr. Stehlik stated he would like to make it a criminal offense, to show the severity of the situation. Council discussed this matter at length with City Attorney Stehlik stating he would send Mr. Armknecht a demand letter referring to the City's public nuisance ordinance.

Tree Board Members: Council Member Buman made a motion to accept the Mayor's recommendation for the following Tree Board members: Anita Lang and Sandi Corbitt-Sears for four-year terms and Pinky Dokken and Mary Moser for the two-year terms and John DeFreece representing the City Council. Council Member DeFreece seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Mayor Westing stated that Mary Moser had wondered if she would have any conflicts of interest if her husband Mike were hired to do any tree trimming. Council stated she would just need to fill out one of those Disclaimer Forms to put on file.

City putting ad in 150th Anniversary Special Edition: Council Member Buman made a motion to have the City put an ad in the Pawnee Republican's 150th Anniversary Special Edition for Pawnee City. Council Member Klein seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review letters written by Clerk Stephens: Council reviewed the letters Clerk Stephens wrote to Jim and Vickie Zelenka and Bill Crosby on the abandoned vehicles in their yards. Council reviewed the write up from Clerk Stephens on the two visits she received from Mr. Zelenka stating that their daughter, Jennifer, had been hit by a State of Nebraska vehicle, so the State had finally scheduled a hearing for November 1st, at which time they will be released as to what they can legally do with the vehicle. Also

Mr. Zelenka had stated that since that time, their other daughter, Mary Jane had also been hit by another vehicle, so they also had that wrecked vehicle in their drive-way, but would be doing something with it as soon as they heard back from the insurance companies. Clerk Stephens stated that Mr. Crosby had signed for the letter, but she had not heard anything from him. Council reviewed the mowing letter Clerk Stephens had sent to Susan Kimes. Ms. Kimes had been in contact with Clerk Stephens stating that she was not going to mow the property, so the City could take care of it. The City Crew has already taken care of mowing the property. Council reviewed the letter written to Sharon Friesel c/o the Methodist Church on the handicapped parking and red zone. Foreman Inglis stated they had already painted the curb red from the ramp to the steps. Council reviewed the letter written to the Ag Society denying the City paying their high water bill caused from a leak. After much discussion Council directed Clerk Stephens to contact Holly Siske, Treasurer of the Ag Society inquiring when they wanted the water shut off up at the Fair Grounds and letting them know the bill needed to be totally taken care of before the water will be turned back on in the spring.

Light at North Park Basketball Court: Foreman Inglis stated that when John DeFreece had went up to change the light bulb in the light on the North West corner of the basketball court at the North park, the whole unit was not working. Council Member Klein stated she thought that Foreman Inglis should treat this as a maintenance item and go ahead and replace it, it provided light for something for the kids to do. Council Member DeFreece stated that he didn't think the court needed that light, so he had told Foreman Inglis not to replace it. Foreman Inglis stated that when Electric Fixtures was here the other day, he inquired how much it would cost to replace something like that and it was quoted at approximately \$50. Council was in agreement to go ahead and order the replacement light.

Complaints & Concerns: Clerk Stephens stated that Mary Ritchie was scheduled to be at the October 22nd Council meeting. Mayor Westing inquired if the Council really had anything in particular they wanted to talk with Ms. Ritchie about because he hated to waste her time and the City's money if Council did not have a reason for wanting to meet with her. It was stated that we needed to set up a written contract with Ms. Ritchie to perform the City's budget and Audit on a yearly basis. Council directed Clerk Stephens to contact Ms. Ritchie and inquire if she has a written contract that the City could go off of. Council Member Fisher presented an update on the Library addition project stating they had a meeting with the architect to discuss the designs. He also stated the State Fire Marshall says they need to have two separate restrooms in the new addition. It was stated that it would cost \$200/sq feet for doing the addition or \$110 sq feet for a whole new building. Mayor Westing stated he felt that Council Member Fisher need to contact the office when he had an update to the Library addition and get on the agenda. Council Member Fisher stated to just put him on the agenda each meeting and if he had an update he would report on it and if not, he would just pass his time. Council Member Buman inquired if the City had gotten any information from JEO on the Hazardous Mitigation. Clerk Stephens will include this information that she received from JEO for the next agenda. Council Member Klein inquired where City Attorney Stehlik was at with the Railroad Condemnation for the water project. Clerk Stephens stated that Mr. Stehlik was checking on the paperwork that Deputy Clerk Glathar had found on the railroad. Council Member Klein will check with City Attorney Stehlik on the progress with the railroad so we can keep this project moving along. Foreman Inglis stated he had fielded a complaint on the alley between G & H Street and 8th & 9th Street that there is a drop off in the alley that was caused by a big truck that keeps going down it. Foreman Inglis stated they could put some saturock in that alley. Council Member DeFreece stated he plans to talk to the State about when they have concrete for their culvert project, they could wash the concrete truck out in the alley to make it a more solid alley. Foreman Inglis stated they were ready to dig the hole for the concrete for the drive through mailbox, but the Government Officials would be the ones putting the box in. Council Member Buman stated that Brian Mellage will be keeping in contact with her, as he stated the lake project had not been dropped yet, it was just under different people now. Council Member DeFreece stated they had set the NPPD pole at the wells with

everything scheduled to be switched over on Friday. Council Member DeFreece stated the airport had received a grant to put in an asphalt runway so the City should start looking at streets to do, as the cost of asphalt should be quite low. Council Member Fisher and Foreman Inglis will start marking down streets to include in the 1 & 6 year Street Plan. Council Member DeFreece stated that PCPN would like to put up a Historical Sign on Pawnee City in the City's mini-park by the Post Office. Council thought this would be a great idea and suggested that PCPN should put this in writing for the City to review. 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: _____
Tamela S. Stephens, City Clerk