

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers August 11, 2020 at 7:00 P.M. City of Bayard 445 Main St., Bayard, Nebraska, 69334. Notice of the meeting having been published in the Bayard Transcript, a newspaper of general circulation, on August 5, 2020. An agenda for the meeting was made available to the Mayor and each of the Council members prior to the meeting. Present were Mayor Schmall and council members; Janice Newhoff, Rick Valentine, Marty Marquez, Nate Edmunds, Scot Ouderkirk, and Mike Harimon. Absent: None. There being a quorum of council members present, Mayor Schmall called the meeting to order at 7:00 P.M. Mayor Schmall offered a prayer and the Pledge of Allegiance was recited. Mayor Schmall presided over the meeting and noted that a copy of the newly approved Open Meetings Act is located in City Council Chambers and available to the public. City Treasurer Bowlin recorded the minutes.

#### **APPROVAL OF AGENDA**

Council member Marquez made a motion to approve the agenda. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **LAGOON DISCHARGE PROJECT UPDATE**

Mike Olsen with MC Schaff & Associates was available over the phone and gave an update on the Lagoon Discharge project. Mike stated that pipe has been laid between Stations 83+00 and Station 97+88.18; and waiting on lids for the cleanouts. Anticipate that boring under the Railroad will be completed mid-September. No major issues have been noted on the project, and not much groundwater.

Council member Harimon made a motion to approve Pay App #1 in the amount of \$203,214.30. Seconded by Council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Newhoff made a motion to approve MC Schaff invoice #20283 in the amount of \$11,067.50. Seconded by Council member Harimon. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **PUBLIC BID**

City Attorney Ostdiek provided auctioneering services for public auction of farm lease A tract of land in Township 21 North, Range 52 West of the 6th P.M., Morrill County, Nebraska, being that part of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and that part of the SE  $\frac{1}{4}$  of Section 35 and that part of SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, all lying North of the Chicago Burlington and Quincy Railroad right-of-way. Lisa Johnston bid \$1,000 per year on a 2 year lease. No other bids were received.

#### **STREET CLOSURE REQUEST**

Tonia Verbeck who owns the Heirloom Market Mercantile was present to request 4<sup>th</sup> Street between Main Street and Avenue A be closed for the Heirloom Market Vendor Fair from October 9<sup>th</sup> at 12 PM to October 10<sup>th</sup> at 6 PM. Council member Edmunds made a motion to approve closure of the road. Seconded by Council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **SOLID WASTE REMOVAL CONTRACT**

Sealed bids were opened by City Attorney Ostdiek and copies were provided to council members to review. Two bids were received. Council member Harimon made a motion to table this item to review further. Seconded by Council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared tabled by Mayor Schmall.

## **CHIMNEY ROCK VILLA**

1. Patrick Maag will be at the Council meeting to give a proposal for a new phone system.
2. Work on the network upgrade has begun.
3. Chevy van lift has been repaired. I'm trying to figure out how to budget in a new van AND some remodeling for the Villa's 50<sup>th</sup> anniversary coming up
4. We are still trying to keep up with the ever-changing guidance we are getting. We are doing family visits. We are asking families to schedule a day in advance so we can make sure we have their resident ready and are able to follow our policy.
5. Still waiting to hear when assisted living surveys will be starting. Our ALF residents are able to join the NH residents for activities as long as they social distance, wear a mask and screen. We also are having to screen staff EVERY. SINGLE. TIME they go from assisted living to nursing home.
6. Had Zoom call with the two associations (Nebraska Health Care and Leading Age) and Dr. Ashraff and Dr. Anthone and the test kits from CMS should be arriving in the next two weeks. There is a push for weekly testing of staff and not sure about residents. Dr. Anthone did take our feedback into consideration about the cost \$25/test and staff walking because they don't make enough money to be put through that weekly and the expense of having staff do the testing.

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims \$206,180.60. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Patrick Maag presented council with a proposal for installing new phone system at the villa. The new system is an ESI-100 Comm Server System that can handle 6 CO lines, 20 digital extensions, 8 port x 140 hours of voice mail storage, NSP remote provisioning capabilities and Power Supply. Council member Edmunds made a motion to accept the proposed bid in the amount of \$10,408.11 plus tax. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

## **APPROVAL OF BILLS**

Council member Harimon moved to approve all city bills and claims \$200,744.98. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Valentine, Newhoff, Harimon, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall. Action Communications \$834.55, Advancing Technology \$447.50, Aflac \$1,277.34, AST \$49.90, Altec \$259.00, Ameritas \$132.20, Bayard Automotive \$83.12, Bayard Rural Fire \$35.68, Tiger Paws \$707.67, Best Plumbing \$21,947.50, Black Hills Energy \$332.15, BCBS \$12,094.66, Blue to Gold Law Enforcement Training \$349.00, Border States \$1,111.33, Capital Business Systems \$329.03; Carr-Trumbull Lumber \$130.35, Charter \$1,591.86, Child Support of WY \$298.14, Chimney Rock PPD \$272.60; Connecting Point \$786.13, Country Wide Directory \$265.00; Credit Management \$65.24, Culligan \$261.00, Darley \$431.90; Dollar General \$14.25, Douglas & Kelly law Office \$1,122.75, Dutton Lainson Co \$7,859.70, Enviro Service \$40.00, Fox Insurance \$322.00; Fyr-Tek \$566.10; Galls \$152.98, General Consolidated \$516.21; Great America Financial \$235.00, Gworks \$640.00, Hawkins \$1,510.62, Heiman Fire \$\$398.00; Ideal \$262.12, Ingram \$998.45, Intoximeters \$170.67; Sam Jackson \$171.53; John Deere \$897.27; Kuskie Reifschneider Oil \$872.19, Aquillino Lara \$100.00; League of NE Municipalities \$1,376.00; Lincoln Nat'l Life \$194.64, MC Schaff & Assoc \$2,530.00, Menards \$1,069.93, Midwest Salt \$5,232.44, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$32,398.94, Municipal Supply \$3,420.27; NE Child support \$1,650.96,

NPPD \$49.50, NE Water Resources Assoc \$105.00; Neptune \$2,342.00; NIC Nebraska \$240.90; Northwest Pipe \$219.76, One America \$1,233.92, PADD \$937.09; Matt Powell \$116.37; Prevention \$39.97; Principal Financial Group \$365.59, Print Works \$183.80, Quadient \$1455.00, Rocky Mtn Air Solutions \$121.00, Miquel Rodriguez-Winter \$32.42; Sandberg \$19.20; Schank Roofing \$12,765.00, Scb Co Bldg & Zoning \$38.00, Simmons Olsen Law \$27.00, Simon Materials \$1,724.78, Simplot \$2,922.05, Street Crimes \$399.00; Assoc for Rural & Small Liibraries \$79.00; Transcript \$249.26, US Bank \$1,069.78, Vieraero \$633.33, Waste Connections \$10,286.95, Watch Guard \$665.00, Wells Fargo \$559.56, Western States Bank \$503.06, Payroll \$51,324.72 Total =\$200,744.98.

Council member Ouderkirk moved to approve Fire Chief Payroll in the amount of \$300.00. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Valentine, Marquez, Ouderkirk, and Newhoff. Abstain: Harimon. Motion declared carried by Mayor Schmall.

## MONTHLY ROUND UP

**UTILITY REPORT** – Fixed baseball field lights, Blading roads and alleys, Sweeping streets, Meter orders and line locates, fixed water leak, Mowed and weeded lots, changed out electric meters, and patched streets.

**PARK REPORT** –spraying mosquitos, repaired water lines and multiple sprinkler areas, mowed and weeded parks and got all sprinkler systems going, sprayed parks, fields and lots in town, working on several zones of sprinklers.

**POLICE REPORT** – 43 assist the Public, 15 assist other agencies, 1 accident investigations, 2 Citation Violations, 7 Warning Violations, 24 Complaints, 11 Investigations, and All officers are attending training for required hours.

**LIBRARY REPORT** – 523 books checked out, Computer was used 0 times, 106 books checked out through overdrive, working on setting up a website, received \$3,086.00 grant from NLC.

**OFFICE REPORT** – **Treasurer:** Monthly reports, preparing operational budget for all committees, working on state budget for 20-21, updates to bank accounts, bills, coding bills. **Clerk:** Working on new website, Neptune Training, equipment spreadsheet, Municipal Finance Courses, Gworks E-billing.

**BAYARD FIRE DEPT REPORT** – Chiefs Report: 2 Grass fires, 24 man hours; 1 other fire, 31 man hours; Rescue Report: 4 calls 109.9 miles 3 transports, Training Report: 11 people – 33 man hours drafting & wildland fires.

## CONSENT AGENDA

Council member Harimon moved to approve the consent agenda, which included July 14<sup>th</sup> and July 28<sup>th</sup> minutes; Treasurer’s reports; and Operational Budgets. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

## RESOLUTION 975

Council member Newhoff moved to approve Resolution #975 Sale of real estate; parcel #100025204. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

## RESOLUTION NO. 975

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA, AS FOLLOWS:

WHEREAS, the City owns a certain parcel of real estate described as follows:

- a) Lots 1-2, Block 7, East Addition, Bayard, Morrill County, Nebraska;

and

WHEREAS, it is in the best interest of the City to sell this surplus property for redevelopment; and

WHEREAS, the value of the property is less than \$5,000 and pursuant to Neb. Rev. Stat. § 17-503.01, property having a fair market value of less than \$5,000 may be sold by Resolution; and

THEREFORE, be it resolved by the Mayor and City Council of the City of Bayard as follows:

1. The sale of the property is in the best interest of the City.
2. The property shall be sold at the September 8, 2020 council meeting, to the highest bidder. Minimum bid shall be \$1,500.00.
3. Following passage of the Resolution directing the sale of the property, Notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. Notice shall give a general description of the property offered for sale and state the terms and conditions of sale.
4. Upon passage of this Resolution and expiration of the Notice provision and a successful bid, a contract shall be executed by the parties providing for normal and typical terms and conditions of sale, including title insurance and payment of liens and encumbrances by the City. Additionally, Buyer shall be obligated to construct/place a residential structure on the property which complies with the Council Building Code and zoning requirements within one years of closing, and shall be obligated to enter a Residential Development Agreement with the City regarding such improvement.
5. Confirmation of the sale will be completed by passage of an ordinance after the Notice time has expired.

This Resolution is adopted this 11th day of August 2020.

S/Greg Schmall

Mayor

Attested by:

S/Samantha Jackson

#### **PURCHASE BURN BOX**

Council member Newhoff moved to approve the purchase of a 40 ft. storage container to be used for training for the Fire Department. Seconded by council member Valentine. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, and Harimon. NAYS: Marquez and Ouderkirk. Motion declared carried by Mayor Schmall.

#### **CODIFICATION**

Council member Ouderkirk moved to approve using Municode for codification updates to the municipal code book. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **PURCHASING SAND SPREADER**

Council member Edmunds moved to table purchase of sand spreader for utility department; wanting to know more about shipping costs. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds,

Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared tabled by Mayor Schmall.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

Council member Newhoff moved to adjourn at 8:52 P.M. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

S/Greg Schmall  
Mayor, City of Bayard

ATTESTED BY:

S/Shelly Bowlin  
City Treasurer/ Deputy Clerk