

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers December 8, 2020 at 7:00 P.M. at the 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 December 2, 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; Marty Marquez, Scot Ouderkirk, Janice Newhoff, Nate Edmunds, Mike Harimon and Rick Valentine. Also present were new council members Sheila Henson and Diane Kraus. Absent: None. There being a quorum of council members present, Mayor Schmall called the meeting to order and offered a prayer. The Pledge of Allegiance was recited. Mayor Schmall presided over the meeting and noted that a copy of the Open Meetings Act is located in City Council Chambers and available to the public. City Clerk/Treasurer Bowlin recorded the minutes.

OUTGOING COUNCIL

Mayor Schmall presented both Michael Harimon and Nathan Edmunds with plaques for their dedication to the city and thanked them for all their hard work over the years.

MORRILL COUNTY ELECTION

City Clerk/Treasurer Bowlin presented the official votes to council stating they had been received from Morrill County. Council member Ouderkirk made a motion to accept the votes as presented. Seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

INCOMING COUNCIL

Newly elected council members Sheila Henson and Diane Kraus recited their oath of office and took their seats at the council desk.

APPROVAL OF AGENDA

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

RURAL WORKFORCE HOUSING

Michelle Coolidge with TCD presented council with information about an opportunity for cities in the panhandle to combine forces to develop more housing within our communities. TCD will be leading the projects for Morrill, Scottsbluff and Kimball counties. Council member Kraus made a motion to invest an initial \$25,000 for Bayard to join with the other cities already on board. Seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Henson, Ouderkirk, Valentine, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

ADDITIONAL INSURANCE UPDATE

Matt Haas and Taylor Copas were available via Zoom to talk about what council had decided on Dental, Vision and Life insurance options for employees. Also present was Michelle Beeny with Air Link to discuss options for group AirMed care. Council Member Newhoff made a motion to approve paying 50% of dental, 50% of vision, increasing life insurance coverage to \$50,000 and added Air Link covered by the city at 100%. Seconded by council member Marquez. ROLL CALL: AYES: Marquez, Henson, Newhoff, Ouderkirk, Valentine, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

COUNTY ATTORNEY AGREEMENT

Council member Ouderkirk made a motion to approve signing the agreement with Travis Rodak for ordinance prosecution. Seconded by Council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Marquez, Valentine, Ouderkirk, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

NEBRASKA COMMUNITY FOUNDATION

Library Director Henkel asked the council for matching funds for grant to update lighting, flooring and ceiling tiles. Council Member Newhoff made a motion to approve up to \$8,500.00 in matching funds. Seconded by council member Henson. ROLL CALL: AYES: Marquez, Henson, Newhoff, Ouderkirk, Valentine and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

POLICE CAR

Council Member Kraus made a motion to approve purchasing new camera and radar needed for new 2020 police vehicle. Seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Henson, Newhoff, Ouderkirk, Valentine, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports in person and were available for questions.

- **UTILITY REPORT** – Put in water meter pit, swept streets, line locates, hung Christmas lights, fixed water leaks, hooked up electric and changed out meters.
- **PARK REPORT** – Looking at playground equipment, Jeff Smith still out.
- **POLICE REPORT** – 42 assist the public; 7 assist other agencies; 1 accident investigations; 0 citation violation; 0 warning violation; 10 complaints; 2 investigations. New vehicle is finally here.
- **LIBRARY REPORT** – There were 507 books checked out, the computer was used 20 times, 110 books checked out through overdrive, grant work ongoing, attending training.
- **OFFICE REPORT** – Working on new website, working on meter reads and billing, Municode training, monthly and quarterly reports, bank reconciliations, parks playground equipment grant research, and personnel manual updates.
- **BAYARD FIRE DEPT REPORT** – Chiefs Report: 2 Grass fires, 1 structure fire, 2 vehicle fires, and 3 MVAs; 9 people - 147 man hours; Rescue Report: No report provided Training Report: No report provided.

COUNCIL PRESIDENT

Council member Marquez made a motion to appoint Scot Ouderkirk as council president. Seconded by council member Kraus. ROLL CALL: AYES: Marquez, Kraus, Newhoff, Ouderkirk, Valentine, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

YEARLY APPOINTMENTS

Mayor Schmall stated he would like to appoint M.C Schaff as City Engineer, Olsson & Associates as City Electrical Engineer, and Police Officers: Stan Tavenner, Michael Youngquist, and Jason Perkins. Council Member Newhoff made a motion to approve all as stated. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Marquez, Kraus, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

Mayor Schmall stated he would like to appoint Scot Ouderkirk & Diane Kraus to Real Estate/Senior Center committee; Marty Marquez & Sheila Henson to Nursing Home committee; Rick Valentine & Marty Marquez to Fire & Police committee; Janice Newhoff & Diane Kraus to Office committee; Scot Ouderkirk & Rick Valentine to Utilities committee; Janice Newhoff & Sheila Henson to Parks committee. Council Member Ouderkirk made a motion to approve all as stated. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Kraus, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

BOARD APPOINTMENTS

Mayor Schmall stated he would like to appoint Gene Claver, Gary Schukei, Jennifer Kriha, and Gerry Doremus to Planning Commission; Cindy Schanhols to Board of Adjustment; Matt McLaughlin and Jeff Smith to Tree Board; KC Heath to LB840 Committee; Mike Harimon to Community Redevelopment Authority; Jeff Smith, Bebe Shortall, and Diane Kraus to Recreation & Health Team; Laura Green, Travis Miller, Amanda Anderson, and Ashley Masoner to Economic Development Citizen Advisory Commission. Council Member Henson made a motion to approve all as stated. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Marquez, Kraus, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

Mayor Schmall stated he would like to appoint Matt McLaughlin, Jeanette Thompson, and Mandy Douglass to Library Board. Council Member Marquez made a motion to approve all as

stated. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Marquez, Kraus, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 986

Council member Newhoff moved to approve Resolution #986 Appointing Jeff Wolfe as City Street Superintendent. Seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Henson, Kraus, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 986

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

Whereas: The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendents appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor or Village Board Chairperson.

APPROVAL OF BILLS

Council member Newhoff moved to approve all city bills and claims as presented. Seconded by council member Henson. ROLL CALL: AYES: Marquez, Henson, Newhoff, Kraus, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall. Accelerated Receivables \$422.02, Action Communications \$34.86, AFLAC \$1,114.26, AST \$49.90, Bayard Automotive \$684.77, Tiger Paws \$512.76, Benzel Pest Control \$185.00, Best Plumbing \$800.65, Black Hills Energy \$2,038.98, BCBS \$10,296.41, Border States \$28.30, Centurylink-Phoenix \$121.38; Charter \$698.79, Child Support of WY \$298.14, Don Conklin \$7.78, Connecting Point \$56.12, Consolidate Mgmt \$8.74, Contractors Materials \$65.00, Credit Management \$66.87, Croel \$392.50, Culligan \$116.50, Dollar General \$68.00, Dutton Lainson \$538.89, Ecolab \$425.58, Enviro Service \$40.00, Floyd's \$92.28, Fox Insurance \$351.00, Fyr-Tek \$400.00, General Consolidated \$116.51; Mike & Jessica Green \$50.71, Ideal \$303.89, Ingram \$878.90, LARM \$269.00, Lincoln Nat'l Life \$157.14, Matt Parrott \$803.06, Menards \$153.60, Deb Miller & Steve Trebilcock \$100.00, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, Municipal Emerg. Services \$230.00, Nat. General Benefits Solutions \$9,902.13; NE Child support \$1,650.96, NDEE \$10,330.23, NE Public Health \$16.00; NPPD \$49.50, NE Rural Water Assoc. \$175.00, NE Safety & Fire \$95.00, One America \$1,148.45, Principal Financial Group \$281.33; Regional West Medical Ctr \$13.60, Ritz Safety \$307.29, Rocky Mountain Air \$245.70, Simmons Olsen Law \$422.00, Simon Materials \$3,356.36, Staples \$95.07, Transcript \$186.10, US Bank \$865.29, Valley Ambulance \$140.00, Waste Connections \$10,240.03, Western States Bank \$160.00, Payroll \$50,346.33. **Total** = \$114,245.66.

CHIMNEY ROCK VILLA

Director's Report

1. Had another focused infection control survey and passed with flying colors.
2. COVID numbers: Staff 18; residents 28. We currently have 4 residents in the COVID unit. We have lost 6. Whether they are truly related to COVID, I don't know. I do believe all but one are being counted as "complications due to COVID"
3. We currently have 3 agency aides in the building. One will be done first of January. We have hired new staff.
4. Roof is done.
5. We are doing an "Adopt a Window" for Christmas. We had our first window decorated this evening. Activities director and social services are decorating the resident's rooms instead of around the building since they aren't able to come out. We will still be serving prime rib to the residents for Christmas.
6. Attending ECHO program, which is an infection control program that we are a part of. There's a webinar every week with other facilities and ICAP. There is a \$6,000 compensation for attending the webinar.
7. Our new therapy company has been with us for a little over a month. They have jumped in and helped when needed.
8. VA contract has been renewed for 5 years. We currently have 2 veterans that we are caring for.
9. I think Girl Scouts and BHS choir are going to come sing Christmas carols. I think we've figured out how we can get it to go over the overhead speaker system.
10. I want to give a huge shout out to the Villa staff. It has been an emotionally exhausting year...especially since October 27th. They have all stepped up and filled in the holes from staff being gone. They are loving on the residents. There have been a lot of tears.
11. I also want to thank the community, churches and families for their support. Overall, everyone has been positive, offered prayers, brought goodies to staff and residents.

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims. Seconded by council member Marquez. ROLL CALL: AYES: Marquez, Henson, Newhoff, Ouderkirk, and Valentine. NAYS: None. ABSTAIN: Kraus. Motion declared carried by Mayor Schmall.

CONSENT AGENDA

Council member Newhoff moved to approve the consent agenda which included minutes from November 10th meeting; Treasurer's reports, operational budget, fire department minutes and roster. Seconded by council member Henson. ROLL CALL: AYES: Marquez, Henson, Newhoff, Ouderkirk, Valentine, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

STREET CLOSING

Council Member Kraus made a motion to approve allowing Community Bible Church to close 9th Street from Main to alley on Christmas Eve from 5 to 6 PM. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Marquez, Kraus, Newhoff, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

NDOT MAINTENANCE AGREEMENT

Council Member Ouderkirk made a motion to approve signing maintenance agreement. Seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Henson, Newhoff, Ouderkirk, Valentine, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

ORDINANCE 844

Council Member Newhoff made a motion to waive the three readings for Ordinance #844. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Marques, Newhoff, Valentine, Ouderkirk, and Kraus. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Newhoff made a motion for final passage of Ordinance #844. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Marques, Newhoff, Valentine, Ouderkirk, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

ORDINANCE #844

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTIONS 31.03, 32.01, AND 110.03 AND REPEALING SECTION 90.02 OF THE CITY CODE OF ORDINANCES CONCERNING CHANGES NECESSARY DUE TO THE SALE OF THE CHIMNEY ROCK GOLF COURSE AND TO UPDATE FUND LISTINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

PUBLIC COMMENT

Mayor Schmall asked council members to donate to community dinner for Christmas Eve, event was not able to be added to council agenda for voting. Mayor Schmall also updated council on the Regional Landfill and asked them to think about the City moving forward with others in the region.

ADJOURNMENT

Council member Henson moved to adjourn at 9:03 P.M. Seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Newhoff, Kraus, Ouderkirk, Valentine, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

S\G Schmall
Mayor

S\S Bowlin
City Clerk/Treasurer