

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers July 14, 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 July 8, 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 Clerk Jackson recorded the minutes.

APPROVAL OF AGENDA

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

BAYARD CEMETERY BOARD REQUEST FOR KENO FUNDS

Council member Edmunds made a motion to approve \$5,000.00 requested by Cemetery Board. Seconded by council member Harimon. Council member Newhoff made a motion to amend the motion to \$8,000.00. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

CHIP SEALING PROPOSED STREETS

Adam Vath with MC Schaff presented bid from Topkote, Inc in the amount of \$43,821.25 for chip sealing 4100 square yards on East 8th Street, 4250 square yards on East 7th Street, and 825 square yards on Avenue A. Council member Newhoff made a motion to approve the presented bid. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

LAGOON DISCHARGE PROJECT UPDATE

Adam Vath with MC Schaff & Associates gave an update for Mike Olsen on the Lagoon Discharge project. He updated council on the delays that are happening due to supplies and COVID-19.

AMBULANCE

Ryan Dalbey presented council with options for the purchase of a new ambulance and supplies in conjunction with the Rural Fire District. Council member Harimon made a motion to approve paying up to \$83,000.00 pending Rural Boards vote. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

CHIMNEY ROCK VILLA

1. We closed back down when the county starting having so many positive cases. But planning on reopening 7/13
2. Our new dementia room is AWESOME!! A couple of our residents just go and sit in it. I sent pictures and the Transcript will be doing an article on it. The room has "kits" for the residents to use. There's a baby changing table, a dishwashing kit, and laundry to fold, blocks, all kinds of

busy work. Still working on getting a kit for the men and will have a busy board made. This was all made possible by the experience Joanie has brought to our activities department and the grant she was able to get for us!

3. Had a risk assessment done by our HealthCap, our liability insurance. It was fairly painless, and led to a new resource for me, which I'm super excited about.
4. The CNA class will finish up the 18th. Sounds like we have some very interested potential new hires. In the fall three of our aides will return to nursing school, so we are looking to fill those positions. I'm also looking for another housekeeper.... again/still.
5. We had our infection control/PPE survey last month and we passed with flying colors.
6. The Church of Christ VBS came up Thursday and colored with sidewalk chalk and sang songs and brought ice cream for the residents and staff.
7. Still looking for a hairdresser.....
8. The fire department came up on the 3rd and lit our fireworks for us.

Council member Harimon moved to approve the Chimney Rock Villa Bills & Claims \$209,541.33. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

APPROVAL OF BILLS

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

Council member Harimon moved to approve all city bills and claims \$199,046.75. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Valentine, Newhoff, Harimon, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall. A&A Porta Potties \$75.00; Action Communications \$32.91, Advancing Technology \$150.00, Aflac \$1,171.86, Airgas USA \$15.64, AST \$49.90, Altec \$259.00, Ameritas \$113.00, ASCAP \$365.76, Bayard Automotive \$822.02, Tiger Paws \$882.78, Black Hills Energy \$1376.06, BCBS \$23,543.92, Border States \$1869.11, Capital Business Systems \$127.78; Centurylink \$223.48; Charter \$1270.56, Child Support of WY \$298.14, Chimney Rock PPD \$136.25; City of Scribner \$18,500.00; , Gene Claver \$3519.26, Community Pharmacy \$72.26, Connecting Point \$167.96, Cozad Signs \$250.00, Credit Management Services \$143.85, Croell Rede-Mix \$786.25, Culligan \$195.00, Demco \$250.60, Dollar General \$39.60, Douglas & Kelly law Office \$1886.00, Dutton Lainson Co \$7859.70, Colton Ehler \$239.74, Mark Elliott \$9.73, Enviro Service \$40.00, First Book \$65.35, Flatwater Vet \$118.14, Galls \$283.93, General Consolidated \$230.74, Ray Goosen \$69.79. Great America Financial \$235.00, Alvin Harimon \$50.00, Hawkins \$3091.00, Ideal \$212.91, Ingram \$405.57, Jon's Body \$275.00, Kuskie Reifschneider Oil \$69.27, Lincoln Nat'l Life \$194.64, LL Johnson \$43.42, Menards \$533.31, Midwest Radar \$80.00, Mission Communications \$347.40, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$29,282.56, Murphy Tractor \$992.81, Nationwide Mgmt \$234.83, NE Child support \$1,178.34, NPPD \$49.50, NE State Fire Marshal \$81.00, Nebraska Total Office \$82.54, NMC \$1000.00, Northwest Pipe \$500.55, One America \$1549.93, Principal Financial Group \$369.29, Print Works \$20.90, Pro Overhead Door \$109.00, Property Venture \$4274.64, Quadient \$230.80, Rembolt/Ludtke \$2,250.00, Rocky Mtn Air Solutions \$124.70, Schank Roofing \$9179.15, Scb Co Bldg & Zoning \$114.00, Simmons Olsend Law \$210.00, Simon Materials \$1626.02, Simplot \$1480.25, Solomon Corp \$2971.35, NE DHHS \$525.00, State Power Review \$162.07, Transcript \$148.24, US Bank \$1458.43, Viaero \$25.45, Waste Connections \$10,405.51, Watch Guard \$2406.25, Wells Fargo \$559.56, Western Library System \$15.00, Western States Bank \$211.53, Payroll \$51,018.96 Total =\$199,046.75.

MONTHLY ROUND UP

UTILITY REPORT – Fixed electrical outages, Blading roads and alleys, Sweeping streets, Meter orders, Trimmed trees, Mowed and weeded lots, Worked on alt valve, Fixed streets, and worked on ballfield lights.

PARK REPORT –spraying mosquitos, repaired water lines and multiple sprinkler areas, Reconfigured Figgins Field and moved sprinklers, mowed and weeded parks and got all sprinkler systems going, sprayed parks and fields, working on several zones of sprinklers.

POLICE REPORT – 47 assist the Public, 14 assist other agencies, 0 accident investigations, 3 Citation Violations, 27 Warning Violations, 21 Complaints, 6 Investigations, 2014 Explorer has got new tires.

LIBRARY REPORT – 421 books checked out, Computer was used 0 times, 86 books checked out through overdrive, Open Tuesday – Friday 10:00 – 2:00 with before and after hour private appointments offered. No public restroom, no computers, hand sanitizer is provided and required upon entrance, wearing a mask is encouraged but not required or provided.

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:** Insurance changes for 2020-2021, depreciation spreadsheet, Finance Conference courses online, NPZA Board meeting, PPHD & League calls, NPAWS meeting.

BAYARD FIRE DEPT REPORT – Chiefs Report: 1 Grass fire 7 people, 21 man hours; Rescue Report: 5 calls 95.2 miles 21.75 man-hours, Training Report: 9 people – 18 main hours Weather Spotting.

CONSENT AGENDA

Council member Valentine moved to approve the consent agenda, which included ratification of April and May council meetings held by video/teleconference, June 9th and June 23rd minutes; Treasurer’s reports; Operational Budgets; and Fire Department Minutes. Seconded by council member Newhoff.

ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None.

Motion declared carried by Mayor Schmall.

AGING OFFICE AGREEMENT

Council member Newhoff moved to enter into agreement with Nebraska Aging Office for Senior Center. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

CHIMNEY ROCK PIONEER DAYS

Council member Edmunds moved to approve Resolution #972 Parade for Pioneer Days. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Harimon, Ouderkirk, Valentine, Newhoff, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION #972

COMES NOW the Mayor and City Council for the City of Bayard, Nebraska and hereby adopts the following resolution:

WHEREAS, the City of Bayard, Nebraska conducts a community celebration on September 10-13, 2020 which includes Pioneer Days parade from 10:00 a.m. until 1:00 p.m. on the 12th; and

WHEREAS, LB 589 passed by the Nebraska Legislature modifies Neb. Rev. Stat. § 39-1359 providing for special event closure of state highways; and

The following resolution is hereby adopted:

1. The City of Bayard will conduct its Pioneer Days celebration and Pioneer Days parade on September 12, 2020 10:00 a.m. until 1:00 p.m.
2. State Hwy 26 aka Main Street from mile marker 44 north to mile marker 47 south shall be closed from 10:00 a.m. until 1:00 p.m. This road is located within the corporate limits of the City of Bayard.
3. The City shall take steps to protect the highway property from damage that may occur arising from the special event and the State shall not have any duty to maintain or protect the roadway during the time the road is closed for the special event.
4. The City assumes any existing statutory or common law duty to protect the public from damage, injury or death during the use by the City of the State highway for the special event.
5. The City hereby acknowledges that it accepts the duties set out in the statutory provisions referred to above and if claim is made against the State, shall notify, defend, and hold harmless State from all claims, demands, accidents, damages and liability, including reasonable attorney's fees that may arise as a result of the use of the highway for the special event.
6. The City acknowledges its obligation to place advance warnings and/or detour signs as governed by the manual on uniform traffic control devices which shall apply to and arise out of the closure of the highway for the special event. The City acknowledges a responsibility to obtain signs meeting the manual on uniform traffic control devices requirements.

PASSED AND APPROVED THIS 14th day of July, 2020.

S/Greg Schmall
Mayor

Attested by:
S/Samantha Jackson

RESOLUTION #973

Council Member Newhoff made a motion to approve Resolution #973; 3 year with savings of 5%. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Harimon, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION NO. 973

WHEREAS, The City of Bayard is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Bayard, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. (**180 day and 3 year commitment; 5% discount**)
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. (**180 day and 2 year commitment; 4% discount**)
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. (**180 day notice only; 2% discount**)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2023. (**90 day notice and 3 year commitment only; 2% discount**)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2022. (**2 year commitment only; 1%**)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. (**90 day Notice only**)

Adopted this 14th day of July, 2020.

S/Greg Schmall
Mayor

Attested by:
S/Samantha Jackson
City Clerk

TRANSFER OF FUNDS

Council member Edmunds moved to approve City Treasurer to transfer \$3,099.09 from the Golf Cart account into the General Checking account. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Ouderkirk moved to approve City Treasurer to transfer \$31,000 from Golf Sale Proceeds account to the Surplus account. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

UPDATE WEBSITE

Council member Harimon moved to switch to SOCS for a new and updated city website. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

UPDATE POINT OF SALE SYSTEM

Council member Newhoff moved to switch to PayPort point of sale system for credit card processing in the office. Seconded by council member Valentine. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

PURCHASING UTILITY BILLING E-BILLS

Council member Harimon moved to purchase utility billing E-bills from gWorks. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

COLLECTION AGENCY

Council member Harimon moved to switch collection agencies to Accelerated Receivables. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

PUBLIC COMMENT

None.

ADJOURNMENT

Council member Harimon moved to adjourn at 8:16 P.M. Seconded by council member Ouderkirk. 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/Samantha Jackson
City Clerk