

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers November 10, 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 November 4, 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, and Nate Edmunds. Mike Harimon and Rick Valentine were available on Zoom; Rick was unable to vote. 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 and Deputy Clerk Dabney recorded the minutes.

#### **APPROVAL OF AGENDA**

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

#### **PUBLIC HEARING**

Mayor Schmall opened the public hearing at 7:04 P.M. on the 1- & 6-Year Street Plan. Adam Vath with MC Schaff was available via Zoom to talk about the plan and answer any questions. Mayor Schmall closed the public hearing at 7:06 P.M.

Council member Newhoff made a motion to approve Resolution #983 for the 1- & 6-Year Street Plan. Seconded by Council member Ouderkirk. ROLL CALL: AYES: Newhoff, Edmunds, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **RESOLUTION #983**

At the regular meeting of the City Council of the City of Bayard, Nebraska, held in the City Hall on November 10th, 2020, a hearing was held on the One (1) and Six (6) Year Street Improvement Program at 7:00 P.M., as advertised. Following a discussion by the City Council and citizens present, a motion was made to adopt the One (1) and Six (6) Year Street Improvement Program for the calendar year 2021. Roll call vote brought: "Yeas, 5"; "Nays", 0. Motion carried.

I, the undersigned, duly qualified and acting Clerk of the City of Bayard, Nebraska, do hereby certify that the above is a true and certified copy of action passed on November 10th, 2020, and I officially affix my signature and the seal of said City on this 10th day of November, 2020.

S\G. Schmall  
Mayor

S\S. Bowlin  
City Clerk/Treasurer

#### **DEPARTMENT HEAD MONTHLY REPORTS**

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

- **UTILITY REPORT** – Moved snow, swept streets, line locates, hauled sand, fixed water leaks, hooked up electric and changed out meters, and worked on installing the new sand spreader.
- **PARK REPORT** – Winterized all parks, fixed sprinkler heads, Jeff Smith still out and Joe Alvord done working for the season.
- **POLICE REPORT** – 34 assist the public; 19 assist other agencies; 9 citation violation; 5 warning violation; 11 complaints; 3 investigations. New vehicle is in at dealership.
- **LIBRARY REPORT** – There were 683 books checked out in the month of October, the computer was used 20 times, 109 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, auditor preparations, parks playground equipment grant research, and personnel manual updates.

- **BAYARD FIRE DEPT REPORT** – Chiefs Report: 1 Grass fire, and 3 MVA; 21 people - 25 man hours; Rescue Report: 9 calls, 213.9 miles 44 man hours, 4 transports, 3 no transport, 2 standby, Training Report: 7 people – 12-24 man hours.

### **LAGOON DISCHARGE PROJECT UPDATE**

Council member Ouderkirk made a motion to approve Final Invoice #20375 to MC Schaff in the amount of \$14,816. Seconded by Council member Marquez. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **COMMUNITY DONATIONS**

Council Member Edmunds made a motion to approve \$150.00 donation from Keno funds for community Thanksgiving; seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to approve donating ten (10) turkeys to school; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **INSURANCE QUOTE**

Matt Haas and Taylor Copas were back with the firm quote for January 1 insurance. Council Member Newhoff made a motion to approve the plan with \$1500 deductible and \$3500 HSA deductible; seconded by council member Edmunds. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **CATHODIC PROTECTION CONTROL SYSTEM**

Council member Newhoff made a motion to enter into a 3-year contract with Corrpro for Cathodic Protection monitoring; seconded by council member Marquez. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **CHIMNEY ROCK VILLA**

Director's Report

1. We are knee deep in COVID. We got our first positive staff case on 10/21. We have had 8? total staff. We currently have 10 residents. Two of them will be done in the red zone this weekend. Casey and a med aide are staffing the unit 24/7. Staff has done a great job of stepping up and after the initial freak out mode, staff (and myself) have been relatively calm. Everyone is doing what they can for the residents. State should be in any day. We must notify families of every positive case, and the state. We also have weekly reporting to NHSN. I have begun reporting twice/week.
2. Our new therapy company started on the 1<sup>st</sup>. They have been amazing even before the contract took effect. They are currently screening residents to see who is a good candidate for therapy. Super important even not in a pandemic. But slightly more so now d/t being stuck in their rooms.
3. We received about 14k more in stimulus money and nursing facilities are also receiving an extra \$20/day/bed to help with staffing needs, etc.
4. It was bittersweet to have the school kids and trick or treaters this year. The residents sure enjoyed watching them parade around the building.
5. We have been talking about what to do for the holidays since family can't come in. It is a topic around the nation.

Council member Marquez moved to approve the Chimney Rock Villa Bills & Claims for \$299,789.11. Seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to approve yearly bonuses for Chimney Rock Villa employees \$100, \$75 and \$50; seconded by council member Marquez. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Newhoff made a motion to approve the bid from Houchin Construction in the amount of \$98,487 for the class four (4) shingles for the Villa roof; seconded by council member Edmunds. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **APPROVAL OF BILLS**

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

Council member Edmunds moved to approve all city bills and claims as presented; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Harimon, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall. Action Communications \$1,088.86, Advancing Technology \$150.00, Airgas \$16.31; AST \$49.90, Ameritas \$224.52, Bayard Automotive \$42.77, Tiger Paws \$717.55, Blackboard Connect \$1972.71, Black Hills Energy \$483.93, BCBS \$10,257.73, Capital Business Systems \$147.14, Cengage Learning \$216.49, Centurylink-Phoenix \$121.10; Charter \$1,264.66, Child Support of WY \$447.21, Chimney Rock PPD \$134.95, Connecting Point \$70.18, Cornhusker Press \$77.85, Credit Management \$112.93, Culligan \$114.00; Susan Daniels \$119.39, Diabetes Magazine \$16.97, Dollar General \$79.15, Douglas & Kelly law Office \$1,390.75, Zak Douglass \$138.37, Drug Collection of WyoBraska \$97.00, Enviro Service \$60.00, Enviroservice \$775.00, Fox Insurance \$644.00, Allie French \$128.32, Fyr-Tek \$2,674.75, General Consolidated \$564.94; Great America Financial \$235.00, Danny Grumbles \$32.57, gWorks \$8,631.04, Hawkins \$1,710.30, John Holmes \$7,200.00, Hullinger Glass \$53.25, Ideal \$334.74, Infinity Construction \$142,575.35; Ingram \$1,091.76, Jack's Uniforms \$404.49, John Deere \$173.65, Kuskie Reifschneider \$25.69; Mike Leever \$79.78, Lincoln Nat'l Life \$164.64, MacQueen \$566.13, Mlley Industries \$22,234.50, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, Morrill County Treasurer \$47.34, MEAN \$29,166.24, Municode \$600.00; NE Child support \$2476.44, Ne Library Commission \$500.00, NE Public Health \$485.00; NPPD \$1,345.50, NE Salt & Grain \$2,036.85, NE Total Office \$141.90, One America \$1,393.42, Principal Financial Group \$193.39; Print Works \$69.30, Quadiant \$600.00, Ritz Safety \$535.18, Sandry Fire \$275.15, Scotts Bluff County \$72.00, Simplot \$200.00, Transcript \$111.33, US Bank \$1,829.04, Viaero \$316.70, Waste Connections \$10,373.14, Wells Fargo \$559.56, Western States Bank \$230.00; Wolfe Sand & Gravel \$875.00, Payroll \$63,177.29 Total = \$328,672.09.

### **CONSENT AGENDA**

Council member Newhoff moved to approve the consent agenda which included minutes from October 13<sup>th</sup> meeting; Treasurer's reports, operational budget, fire department minutes and roster, and new hire James Asay Utility Technician-\$14.00/hr. Seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **YEARLY BONUSES FOR CITY EMPLOYEES**

Council Member Ouderkirk made a motion to approve yearly bonuses for city employees \$150, \$125, and \$100 in lieu of recognition dinner. Seconded by council member Marquez. ROLL CALL: AYES: Harimon, Marquez, Edmunds, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

### **RESOLUTION 982**

Council member Edmunds moved to approve Resolution #982 MEAN Board of Directors, replacing Samantha Jackson with Shelly Bowlin as Alternate to Dan Coolidge; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Harimon, Edmunds, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

#### **Resolution #982 - Member Resolutions for Appointments Director and Alternate Director to MEAN Board of Directors**

This is to certify that the City Council of the City of Bayard, State of Nebraska duly appointed Dan Coolidge to serve as director to represent the City of Bayard on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

This is to certify that the City Council of the City of Bayard, State of Nebraska duly appointed Shelly Bowlin to serve as alternate director to represent the City of Bayard on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in

compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

This is to certify that the appointments set out above were approved by the City Council of the City of Bayard, State of Nebraska, at their meeting on November 10, 2020.

S.S. Bowlin  
City Clerk/Treasurer

### **RESOLUTION 984 OR 985**

Council member Newhoff moved to approve Resolution #984 setting appointed official's salaries. Seconded by council member Edmunds. ROLL CALL: AYES: Marquez, Newhoff, Edmunds, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **RESOLUTION #984**

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

WHEREAS, Section 31.03 of the City Code provides that salaries, or other remuneration for appointed officials shall be set by resolution; and

THEREFORE, it resolved that the salaries for the following appointed officials shall be set as follows:

- A. City Clerk/Treasurer – Salaried \$55,000 per year
- B. Police Chief – hourly \$29.92
- C. Utility Superintendent – Salaried \$58,000 per year; plus on-call time \$75.00
- D. Park Superintendent – hourly \$24.46

This Resolution became effective November 10, 2020.

PASSED AND APPROVED this 10<sup>th</sup> day of November 2020.

S/G. Schmall  
Mayor

S.S. Bowlin  
City Clerk/Treasurer

### **BANK ACCOUNT MAINTENANCE**

Council Member Marquez made a motion to approve the removal of Samantha Jackson as a signer on City bank accounts; seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Marquez made a motion to approve the addition of Renne Dabney as a signer on City bank accounts; seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Edmunds, Newhoff, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **AEDs**

Council Member Harimon made a motion to approve the purchase of up to 13 AEDs using Keno funds and applying for USDA grant; seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Newhoff, Edmunds, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

### **SECURITY CAMERAS**

Council member Edmunds moved to table discussion purchasing security cameras for parks pending more information; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Harimon, Newhoff, Edmunds, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

### **PUBLIC COMMENT**

Diane Kraus asked about the safety of putting the AEDs outside.

### **ADJOURNMENT**

Council member Ouderkirk moved to adjourn at 8:32 P.M. Seconded by council member Newhoff. ROLL CALL: AYES: Marquez, Newhoff, Edmunds, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

S\G Schmall  
Mayor

S\S Bowlin  
City Clerk/Treasurer