

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers July 13, 2021 at 6:30 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 July 7, 2021. 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; Scot Ouderkirk, Sheila Henson, Janice Newhoff, Jamie Hernandez, and Diane Kraus. Absent: Marty Marquez. There being a quorum of council members present, Mayor Schmall called the meeting to order. All council members and Mayor went to Bayard Public Library to tour the facility. Upon return to the office all present recited The Pledge of Allegiance and Mayor Schmall offered a prayer. 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.

APPROVAL OF AGENDA

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

CHIP SEALING PROPOSED STREETS

One bid was received for the proposed chip seal project for the year, which covers 2nd Avenue from 6th to 8th Streets; 3rd Avenue from 6th to 7th Streets, 10th Street from Main to Ave B; and Avenue A from 10th to 11th Street. Council member Ouderkirk made a motion to approve the bid from TopKote in the amount of \$31,702.50. Seconded by council member Hernandez. ROLL CALL: AYES: Henson, Newhoff, Kraus, Ouderkirk, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 997

Council member Newhoff moved to approve Resolution #997 Parade for Chimney Rock Pioneer Days on September 11, 2021. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION #997

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 10-12, 2021 which includes Pioneer Days parade from 10:00 a.m. until 1:00 p.m. on the 11th; 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 11, 2021 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 13th day of July, 2021.

USDA GRANT APPLICATION & RESOLUTION #994

Council Member Newhoff made a motion to apply for an USDA grant for extrication equipment for the Fire Department, and allow Mayor Schmall to be signer for the application. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Newhoff, Kraus, and, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

APPROVAL OF BILLS

Council member Newhoff moved to approve all city bills and claims in the amount of \$230,185.39. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, Ouderkirk, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

Action Communication \$36.08, Advancing Technology \$310.00, Aegion Corpro \$1,325.00, AFLAC \$1,098.78, Airgas \$35.91, AST \$49.90, Allied Benefit Systems \$8,833.61, Bayard Automotive \$828.87, Tiger Paws \$1,294.72, Best Plumbing \$285.00, Bluffs Facility Solutions \$476.97, Border States \$533.34, Bound Tree \$903.23, Shelly Bowlin \$11.49, Budge-It Drain Service \$485.00, Capital Business Systems \$120.09, Cengage Learning \$155.50, CenturyLink \$129.98, Charter \$395.64, Child Support of WY \$298.14, CRPPD \$135.55, City of Gering \$11,538.54, Zoie Clause \$5.59, Gene Claver \$195.25, Compton Electric \$115.60, Connecting Point \$66.73, Culligan \$122.50, Dollar General \$206.90, Douglas Kelly Ostdiek \$832.75, Enviro Service \$60.00, FBI-Leeda \$695.00, Filament Essential Serv. \$2,400.00, Kevin Fowlkes \$36.87, Fremont Motors \$52.99, General Consolidated \$1,063.73, Great America \$470.00, Hawkins \$2,512.16, Holiday Inn \$1,900.77, Ideal Linen \$174.57, Ingram \$841.50, Jack's Uniforms \$360.33, John Deere \$525.30, Menards \$1,496.99, Midwest Salt \$5,737.81, Mission Comm. \$347.40, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, Morrill County Treasurer \$216.40, MEAN \$55,110.65, Municipal Supply \$4,737.71, NE Child support \$1,269.72, NE Power Review Board \$158.96, NE Public Health \$19.00, NPPD \$49.50, NE Water Resource Assoc. \$105.00, NIPPON Life \$1,383.24, Northwest Pipe \$416.93, John Hancock \$1,953.07, One Call Concepts \$19.58, Paul Reed \$194.45, Quadient \$2055.00, Reganis Auto \$1,304.18, Rocky Mountain Air \$146.40, Roberta Rummel \$22.16, Russell Industries \$1,008.30, SBC Bldg. & Zoning \$2,178.00, Simmons Olsen Law \$245.00, Simplot Growers \$142.60, Staples \$176.28, Stryker \$31,385.69, Stan Tavenner \$356.00, Transcript \$320.76, Tumbleweed Press \$800.00, US Bank \$5,363.37, Viaero Wireless \$26.56, Monte Weisgerber \$186.27, Western States Bank \$353.06, Wickard Heating \$189.81, Wyoming First Aid \$93.01, Payroll \$67,546.65. **Total = \$230,185.39.**

CHIMNEY ROCK VILLA

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$253,661.15. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Ouderkirk, Newhoff, Kraus, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

Director's Kim Burry was present and gave an update on the Villa.

1. We had a very nice BBQ on the 1st. Residents were able to have one family member attend. We did move it inside because we were afraid it might rain and it was pretty windy. The evening turned out very nice for the firework display.
2. Working on budget.
3. Working on letter for bids for painting and flooring.
4. Also been working on OSHA requirements. They gave us a template to use.
5. I'm still working in other departments. Dietary is doing their best to keep me out.
6. New ice machine is in.
7. Looking for a new freezer for the kitchen.
8. Looking for a new lift.
9. Staffing still a challenge in every department.

DEPARTMENT HEAD MONTHLY REPORTS

Utility Superintendent Coolidge, City Clerk/Treasurer Bowlin and Sergeant Stan Tavenner were present and available for questions.

- **UTILITY REPORT** –Fixed 2 water leaks, swept streets, trimmed trees, fixed curb stops, Fixed Street lights, Hung flags, and checked electrical outages.
- **PARK REPORT** – Mowing Grass; Fertilized the parks & sprayed for weeds; Put Rock in at Swimming Pool Park, sprinkler repairs.
- **POLICE REPORT** – 47 assist the public; 27 assist other agencies; 2 accident investigations; 0 citation violation; 22 warning violations; 21 complaints and 5 Investigations.
- **LIBRARY REPORT** – There were 661 books checked out, the computer was used 35

times, 84 books checked out through overdrive, Summer Reading runs through July 22, have been approved for E-Rate funding.

- **OFFICE REPORT** – Monthly Reports; Bank Recons; Payroll; Updating Code book, Budget meeting & updates, Finance Conference; EPA Brownfield assessments continued; Parks & Pool Grants.

CONSENT AGENDA

Council member Ouderkirk moved to approve the consent agenda which included minutes from June 8th regular meeting and June 29th special budget meeting; Treasurer's reports, operational budget, June Fire Dept. Minutes and Roster. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, Ouderkirk, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 995

Council member Newhoff moved to approve Resolution #995 Renewal of LARM Insurance. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 996

Council member Henson moved to approve Resolution #996 Sale of Generator to Chimney Rock Public Power. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

FIGGENS FIELD

Council member Kraus made a motion to purchase in-field mix to change Figgens Field to a dirt in-field for softball in the amount of \$11,785.00; but wants the work to be deferred until fall after more talks with the school and baseball organization. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Kraus, Newhoff, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

ORDINANCE 851

Mayor Schmall asked City Clerk/Treasurer Bowlin to read the title of Ordinance 851 for the final reading.

ORDINANCE #851

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA, ESTABLISHING AND IMPLEMENTING CERTAIN OCCUPATION TAXES FOR BUSINESS ENTERPRISES DOING BUSINESS IN THE CITY TO OBTAIN A SPECIAL DESIGNATED LIQUOR LICENSE(SDL); PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

Council Member Newhoff made a motion for final passage of Ordinance 851. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Newhoff, Kraus, and, Hernandez. NAYS: None. Mayor Schmall declared Ordinance 851 passed, adopted and ordered it published.

PUBLIC COMMENT

Mayor Schmall read a thank you from the 18U softball team. Mayor Schmall also informed council about meeting with PADD where we talked about revisiting the downtown revitalization project and working on grant funding for that project.

City Clerk Bowlin and Brad Slaughter with Piper Sandler presented an update for refinancing bond that had been approved to refinance in February.

ADJOURNMENT

Council member Kraus moved to adjourn at 8:14 P.M. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Newhoff, Kraus, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall
Mayor

S Bowlin
City Clerk/Treasurer