

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers March 9, 2021 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 March 3, 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, Janice Newhoff, Sheila Henson, Diane Kraus, Marty Marquez and Rick Valentine. 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.

#### **APPROVAL OF AGENDA**

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

#### **PUBLIC AUCTION ON FARM LEASES**

City Attorney Ostdiek provided auctioneering services for A tract of land in N ½ NW ¼ and N ½ S ½ NW ¼ of Section 33, Township 21 Range 52 West of the 6<sup>th</sup> P.M., Morrill County, Nebraska, containing 120 acres more or less; known as the Wellfield Lease. Minimum bid of \$6,500.00 was submitted by Brown, with next bid coming from Rafferty. Final bid of 11,050.00 from Brown for two year.

#### **2018-2019 AUDIT**

Jessica Dailey, KSO CPAs, via conference call presented the City 2019/2020 Draft Audit and discussed the findings.

#### **WATER BOND REFINANCING**

Council member Newhoff moved to approve Resolution #990 general obligation water bond series 2014 be called for redemption for potential refinance. Seconded by council member Valentine. ROLL CALL: AYES: Henson, Kraus, Newhoff, Valentine, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to waive the three readings for Ordinance #849. Seconded by council member Valentine. ROLL CALL: AYES: Henson, Newhoff, Valentine, Ouderkirk, Marquez and Kraus. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Newhoff made a motion for final passage of Ordinance #849. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Valentine, Ouderkirk, Marquez, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

#### **PLANNING COMMISSION RECOMMENDATION**

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

#### **SDL LICENSE**

Council member Newhoff moved to approve Kinkaider Brewing for a SDL license for Heirloom Market Spring Vendor Fair May 28<sup>th</sup> & 29<sup>th</sup>. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Valentine, Newhoff, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Henson moved to approve Tonia Verbeck for a SDL license for Heirloom Market One Year Celebration on March 26, 2021. Seconded by council member Newhoff. . ROLL CALL: AYES: Henson, Ouderkirk, Valentine, Newhoff, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

#### **APPROVAL OF BILLS**

Council member Marquez moved to approve all city bills and claims as presented. Seconded by council member Ouderkirk. **ROLL CALL: AYES: Henson, Newhoff, Kraus, Valentine, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.** Accelerated Receivables \$94.88, Advancing Technology \$150.00, AFLAC \$1,098.78, AST \$49.90, Bayard Automotive \$171.44, Tiger Paws \$1,051.36, Black Hills Energy \$3,078.25, Bluffs Sanitary \$196.00, Border States \$1,253.08, Capital Business Systems \$138.30, Centurylink \$129.50, Charter \$1,578.44, Child Support of WY \$298.14, Chimney Rock PPD \$139.75, City of Gering \$11,152.56, Connecting Point \$43.98, Culligan \$147.00, Darley \$231.70, Dollar General \$10.45, Douglas Kelly Ostdiek \$1,406.25, Enviro Service \$40.00, Farmers Irrigation \$441.50, Ferno \$20,850.48, Fluent IMS \$1,100.00 Food Network Magazine \$27.97, General Consolidated \$502.38; Great America \$235.00, Ideal Linen \$300.47, Ingram \$448.10, Chris Keller \$83.41, League of NE Mun. \$360.00, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$39,123.40, NE Child support \$1,269.72, NE Dept of Health & Human Services \$40.00, NE Public Health \$151.00, NPPD \$49.50, Nippon Life Benefits \$643.50, Northwest Pipe \$1,073.11, One America \$1,884.71, Panhandle COOP \$918.00, Jason Perkins \$17.75, Pioneer Woman \$20.00 Regional West \$69.30, Rocky Mountain Air \$124.70, Sandry Fire \$881.00, Ryan Sharp \$81.36, Simon \$1,696.90, SparqData \$3,000.00, Star Herald \$9.84, Transcript \$245.80, US Bank \$1,161.30, Viaero Wireless \$293.23, Robin Viall \$32.98, Western States Bank \$160.00, Payroll \$47575.252. **Total = \$154,455.54.**

## **CHIMNEY ROCK VILLA**

### **Director's Report**

1. We are still COVID free and green! Visitations seem to be going well.
2. I am getting quotes to paint and get new flooring for the Villa in preparation for the 50<sup>th</sup> anniversary. I'm hoping the \$100 bill I planted will start sprouting soon!
3. We have received our official Statement of Deficiencies from our annual survey. There were no surprises. So we are working on our Plan of Correction and will submit that to the State next week.
4. We will be hosting eight CNA students on the 9<sup>th</sup> to do their testing. We cleaned out and painted the big back room. I'm hoping we can do some more teaching this year.
5. I have been taking our new director of rehab around to our local hospitals and introducing him to the discharge planners. We take a goodie bag for them also. Hoping to strengthen relationships and gain some referrals.
6. The high school kids came up before the Winter Royalty dance so the residents could see them all dressed up.
7. I encourage you all to become familiar with LB408 and contact Senator Erdman. This bill will affect all of us.

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$217,611.81. Seconded by council member Ouderkirk. **ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Kraus, Marquez, and Valentine. NAYS: None. Motion declared carried by Mayor Schmall.**

## **DEPARTMENT HEAD MONTHLY REPORTS**

Utility Superintendent Coolidge and Police Chief Douglass were present available for questions.

- **UTILITY REPORT** – Installed new water service and pit, swept streets, thawed multiple water meters after the extreme cold, equipment maintenance, set pole and hooked up electricity, took water samples, cleaned shop, picked up new transformers.
- **PARK REPORT** – Jeff Smith still out. Office staff has been looking at some grant possibilities.
- **POLICE REPORT** – 35 assist the public; 11 assist other agencies; 0 accident investigations; 2 citation violation; 9 warning violation; 6 complaints; 9 investigations.
- **LIBRARY REPORT** – There were 632 books checked out, the computer was used 23 times, 102 books checked out through overdrive, hosted elementary school staff for online training, taught summer reading craft to other libraries, were awarded a grant from Nebraska Public Service Commission up to \$2,150.50 for E-rate funds, also awarded Kreutz Bennett grant.
- **OFFICE REPORT** – Planning Commission Meeting, LB840 Meeting, on-going garbage issues, monthly reports, bank recons, Payroll, Website additions, Ordinances; Ongoing EPA assessments and grant work.
- **BAYARD FIRE DEPT REPORT** – Chiefs Report: 1 Structure fire, 1 Call, 11 People, 11 Man hours; Rescue Report: 4 Transports to RWMC, 1 Fire Stand-by 2 Patient Refusals – 7 Calls, 108 Miles with patient, 220.5 miles without patient, 8 hours in service; Training Report: 1 Structure fire & air flow – 11 people 4 man hours.

## **CONSENT AGENDA**

Council member Ouderkirk moved to approve the consent agenda which included minutes from February 9th meeting; Treasurer's reports, operational budget and Fire Department Minutes & Roster. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Valentine, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

## **AGING OFFICE AGREEMENT**

Council Member Ouderkirk made a motion to approve the agreement with the Aging Office of Western Nebraska effective July 1, 2021 through June 20, 2022. Seconded by council member Valentine. ROLL CALL: AYES: Henson, Newhoff, Valentine, Ouderkirk, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

## **ORDINANCE 847**

Council Member Newhoff introduced Ordinance 847. Mayor Schmall called for the Clerk to read the title.

### **ORDINANCE #847**

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTIONS 71.01, 71.02, 71.03, 71.04, 71.05, AND 71.20 OF THE CITY CODE OF ORDINANCES CONCERNING TRAFFIC CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

This Ordinance will be placed on the April council meeting for Final Reading.

## **ORDINANCE 848**

Council Member Newhoff made a motion to waive the three readings for Ordinance #848. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Valentine, Ouderkirk, Marquez and Kraus. NAYS: None. Motion declared suspended by Mayor Schmall.

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTION 36.37 OF THE CITY CODE OF ORDINANCES CONCERNING PLANNING COMMISSION MEETING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

Council Member Newhoff made a motion for final passage of Ordinance #848. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Valentine, Ouderkirk, Marquez, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

## **EMS BUILDING DISCUSSION**

Members from the Fire and Rescue were present to talk about the new ambulance, the need for keeping both ambulances and the need for a new EMS only building. Council is asking to see the numbers for the construction.

## **PUBLIC COMMENT**

City Clerk Bowlin mentioned that she needs pictures for the new council members to update the new website and we should get that scheduled soon. Chief Douglass mentioned that the school was conducting a reunification drill March 10<sup>th</sup>, 2021.

## **ADJOURNMENT**

Council member: Marquez moved to adjourn at 8:44 P.M. Seconded by council member Newhoff. ROLL CALL: AYES: Newhoff, Kraus, Ouderkirk, Valentine, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

S\G Schmall  
Mayor

S\S Bowlin  
City Clerk/Treasurer