

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a special session in the Council Chambers May 11, 2021 at 6:15 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 May 5, 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, and Marty Marquez. Absent: Diane Kraus and Janice Newhoff. There being a quorum of council members present, Mayor Schmall called the meeting to order. All council members and Mayor went to City Utility Shop 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 Ouderkirk made a motion to approve the agenda. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

#### **APPOINTMENT OF COUNCIL MEMBER**

Mayor Schmall appointed Jamie Hernandez to fill the Council Vacancy until the end of the term December 2022. Council member Ouderkirk made a motion to approve the appointment. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Ouderkirk, Marquez. NAYS: None. Motion declared carried by Mayor Schmall. Mrs. Hernandez read her oath and took her place at the council table.

#### **PUBLIC HEARING**

Mayor Schmall opened the public hearing at 7:00 pm for a request of a Change of Zoning from (R-2) Residential two to Agriculture District and vacating of 3<sup>rd</sup> Street. Nate Edmunds spoke about his plans for the property and Jennifer Kriha chairperson of the Planning Commission recommended the zoning change and the vacating of the street. Gene Claver from the Planning Commission was present as well and agreed with Mrs. Kriha about the change. Mayor Schmall closed the public hearing at 7:05 pm.

#### **ORDINANCE 852**

Council Member Ouderkirk made a motion to suspend the statutory rules requiring reading of the title on three occasions for Ordinance 852. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Ouderkirk made a motion for final passage of Ordinance 852. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Mayor Schmall declared Ordinance 852 passed, adopted and ordered it published.

#### **ORDINANCE 852**

AN ORDINANCE OF THE CITY OF BAYARD AMENDING THE OFFICIAL ZONING MAP; RE-ZONING LOTS 4,5,6, BLOCK 2 AND LOTS 1,2,3,4,5,6 BLOCK 5; ALL OF SECOND EAST ADDITION TO BAYARD, TO AGRICULTURAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Council Member Henson made a motion to waive the three reading for Ordinance 853. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Henson made a motion for final passage of Ordinance 853. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

#### **ORDINANCE 853**

Council Member Henson made a motion to suspend the statutory rules requiring reading of the title on three occasions for Ordinance 853. Seconded by council member Ouderkirk. ROLL

CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Henson made a motion for final passage of Ordinance 853. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Mayor Schmall declared Ordinance 853 passed, adopted and ordered it published.

### **ORDINANDE 853**

AN ORDINANCE OF THE CITY BAYARD, NEBRASKA VACATING A STREET OF THE CITY; PROVIDING FOR RESERVATION IN FAVOR OF THE CITY OF UTILITY EASEMENTS; PROVIDIING FOR REPEAL OF CONFLICTING ORDINACES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

### **PADD PRESENTATION**

Bryan Venable assisted by Julie Hertaus gave a short presentation on what PADD does and can do for the cities and villages in the Panhandle of Nebraska.

### **LB840 RECOMMENDATION**

Council Member Marquez made a motion to approve a loan grant combination for Tonia Verbeck and the Heirloom Mercantile in the amount of \$14,000; \$7,000 grant and \$7,000 loan to be paid back in three years; seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Ouderkirk made a motion to approve a loan to Jenessa Ulander up to the amount of \$10,000 with the contingency that they show proof of matching funds from another source; seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

### **CHIMNEY ROCK VILLA**

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

1. The main solarium has been painted.
2. We've been taking residents out for walks.
3. Restrictions are loosening up for vaccinated residents and family.
4. We had CNA and med aide testing last week and this week and are planning again for June. We are also tentatively planning to hold a class next month.
5. We have been celebrating Nurse's Week and Nursing Home Week with waffles for breakfast, a BBQ and Snowie the Snow bus is coming Wednesday.
6. Yard work has started.
7. Staffing is still an issue. It's getting better and everyone is really stepping up. One of our aides just graduated with his RN and wants to work here. We haven't had much for the MDS coordinator position and have a nurse in house that wants it. I like to promote within when possible.

Council member Henson moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$306,514.59. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

### **DEPARTMENT HEAD MONTHLY REPORTS**

Utility Superintendent Coolidge, City Clerk/Treasurer Bowlin and Police Chief Douglass were present and available for questions.

- **UTILITY REPORT** –Bladed all dirt Streets and allies, New transfer pump at Water Treatment Plant, started putting in Sand Filter at pool, Safety Meeting with Air Link, Checked Electrical issue at Police building, Cleaned shop, regular meter orders and meter reads.
- **PARK REPORT** – Mowing Grass, installed back-flow preventors and turned-on water to all places, Fertilized the parks and sprayed for weeds, Seasonal employee to start on May 17<sup>th</sup>.
- **POLICE REPORT** – 36 assist the public; 18 assist other agencies; 2 accident investigations; 8 citation violation; 10 warning violation; 4 complaints; 3 investigations, Education requirements have been increased, New Psychological Evals and Sensitivity

Training and the Police force now has to be accredited.

- **LIBRARY REPORT** – There were 633 books checked out, the computer was used 31 times, 89 books checked out through overdrive, Library will be closed May 11-26 for new carpet installation, Ceiling Tiles have been replaced and book cases cut down, Summer Reading starts June 1, with magic show in park.
- **OFFICE REPORT** – Arbor Day Celebration, Meetings, New summer employees, Website additions, Ordinances, Personnel manual updates sent to lawyer, Parks & Baseball Grants, EPA Brownfields Assessments.

### **NEW STOP SIGN**

Council member Marquez moved to install two more stop signs at 7<sup>th</sup> Street and 2<sup>nd</sup> Avenue, making that intersection a 4-way stop. Seconded by council member Hernandez. **ROLL CALL:** AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

### **APPROVAL OF BILLS**

Council member Ouderkirk moved to approve all city bills and claims as presented. Seconded by council member Henson. **ROLL CALL:** AYES: Henson, Ouderkirk, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall. Action Communication \$36.49, Advancing Technology \$150.00, AFLAC \$1,648.17, Airgas \$35.88, AST \$49.90, Allied Benefit Systems \$9,345.11, Bayard Automotive \$42.49, Bayard Rural Fire Dept. \$109.50, Tiger Paws \$873.28, Benzel Pest Control \$85.00, Black Hills Energy \$1,510.05, Bluffs Facility Solutions \$66.02, Bound Tree \$491.22, Capital Business Systems \$292.06, CenturyLink \$130.02, Charter \$1,821.13, Child Support of WY \$298.14, Chimney Rock PPD \$1,133.44, City of Gering \$11,737.78, City of Sidney \$1,875.00, Clemco Inc. \$2,000.00, Compton Elec Serv. \$ 5,250.00, Connecting Point \$70.34, Culligan \$121.00, Dollar General \$40.87, Douglas Kelly Ostdiek \$1,387.75, Dutton-Lainson Co \$7,993.89, Candace Ehler \$184.05, Enviro Service \$40.00, Fox Insurance \$100.00, Fyr-Tek \$1,042.34, Gall \$246.78, General Consolidated \$324.08; Great America \$391.52, Hawkins \$1,239.69, Ideal Linen \$174.57, Ingram \$760.41, Kande Laeger \$73.68, LARM \$1,099.34, Lincoln Nat Life \$102.76, Menards \$787.76, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$26,570.29, Mun Supply Co \$1,914.86, NE Child support \$1,269.72, NE Life Magazine \$1,824.00, NMPP \$400.00, NPPD \$49.50, NE State Fire School \$805.00, Northwest Pipe \$346.41, One America \$1,792.68, PADD \$300.00, Panhandle CCOP \$1,736.00, Panhandle EMS \$300.00, Stephanie Perkins \$120.00, Regional West \$51.00, Rocky Mountain Air \$136.17, Sandberg Implement \$42.00, Sandry Fire Supply \$331.75, Mark Schwartzkopf \$460.00, SBC Bldg & Zoning \$276.00, Simplot Growers \$318.71, Transcript \$723.70, TWD \$25,000.00, United Industries \$526.09, US Bank \$2,647.14, Van Pelt Fencing \$2,765.90, Vera's Auto & Tire \$20.00, Viaero Wireless \$278.51, Watch Guard \$68.57, Western States Bank \$80.00, Payroll \$67,939.52. **Total = \$195,405.03.**

### **CONSENT AGENDA**

Council member Ouderkirk moved to approve the consent agenda which included minutes from April 13th regular meeting and May 3rd special meeting; Treasurer's reports, operational budget, and new hires & salary changes – Kris Hopkins Pool Manager-\$16.00, Nicole Barker Pool Operator & Asst. Mgr. - \$15.00, Kodie Harimon Pool Operator & Asst. Mgr. - \$15.00, Kierra Miller Lifeguard - \$11.00, Nate Barker Lifeguard - \$11.00, Zoie Clause Lifeguard - \$11.00, Aleah Nesbitt Lifeguard - \$11.00, Tayton Shaw Lifeguard - \$11.00, Tomas Garza Jr Lifeguard - \$11.00, Deemon Avilez Seasonal Parks - \$11.50, Bailie Brower Library Intern - \$10.00, Gary Schukei Mosquito Sprayer - \$11.50. Seconded by council member Henson. **ROLL CALL:** AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

### **ORDINANCE 850**

Council Member Ouderkirk made a motion to suspend the statutory rules requiring reading of the title on three occasions for Ordinance 850. Seconded by council member Marquez. **ROLL CALL:** AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Ouderkirk made a motion for final passage of Ordinance 850. Seconded by council member Marquez. **ROLL CALL:** AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Mayor Schmall declared Ordinance 850 passed, adopted and ordered it published.

### **ORDINANCE #850**

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA, APPROVING THE SALE AND TRANSFER OF 296' IN CORNER OF LOT 2 BLOCK 2, MASON'S SUBDIVISION (FRONT OF YARD), CITY OF BAYARD; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES

### **ORDINANCE 851**

Council Member Ouderkirk introduced Ordinance 851 to the council.

**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

**PUBLIC COMMENT**

Council member Hernandez asked about restrooms at the Library and was informed that they were closed due to COVID. The two outside restrooms do not exist any longer.

**ADJOURNMENT**

Council member Henson moved to adjourn at 8:30 P.M. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall  
Mayor

S Bowlin  
City Clerk/Treasurer