

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers October 12th, 2021 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 October 6th, 2021. An agenda for the meeting was made available to the mayor and each of the Council members prior to the meeting. Present were council members; Marty Marquez, Janice Newhoff, Diane Kraus, Scot Ouderkirk, Jamie Hernandez and Sheila Henson. Absent: Mayor Schmall. There being a quorum of council members present, Council President Ouderkirk called the meeting to order. The Pledge of Allegiance was recited. Council President Ouderkirk presided over the meeting and noted that a copy of the Open Meetings Act is located in City Council Chambers, 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 Henson. ROLL CALL: AYES: Henson, Kraus, Newhoff, Ouderkirk, Hernandez, and Marquez. NAYS: None. Motion declared carried by Council President Ouderkirk.

PUBLIC HEARING

Council President Ouderkirk opened the public hearing at 7:04 P.M. on the 1- & 6-Year Street Plan. Mike Olsen with MC Schaff was available to talk about the plan and answer any questions. Mayor Schmall had asked prior to the meeting to have added to the plan: reconstruct 8th Street from Main to 1st Ave; Intersections at 5th Street & 1st Avenue and 6th Street & 1st Avenue; Reconstruct West 5th Street from Ave A to Ave B; and Reconstruct 2nd Avenue from 3rd Street to 5th Street. Council President Ouderkirk closed the public hearing at 7:07 P.M.

Council member Henson made a motion to approve Resolution #1001 for the 1- & 6-Year Street Plan with the addition mentioned above. Seconded by Council member Kraus. ROLL CALL: AYES: Newhoff, Hernandez, Kraus, Marquez, Ouderkirk, and Henson. NAYS: None. Motion declared carried by Council President Ouderkirk.

RESOLUTION #1001

At the regular meeting of the City Council of the City of Bayard, Nebraska, held in the City Hall on October 12, 2021, 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 2022. Roll call vote brought: "Yeas, 6 ; "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 October 12, 2021, and I officially affix my signature and the seal of said City on this 12th day of October, 2021.

TWIN CITIES DEVELOPMENT (TCD)

Michelle Coolidge with TCD was present to present and explain the benefits of TCD membership. She explained the change in membership prices and how they are structured. Council member Kraus made a motion to approve Bronze membership with TCD. Seconded by council member Henson. AYES: Newhoff, Hernandez, Kraus, Marquez, Ouderkirk, and Henson. NAYS: None. Motion declared carried by Council President Ouderkirk.

CHANGE LIGHTS ON CHIMNEY ROCK

Council member Henson made a motion to approve changing the lights on Chimney Rock to red for Red Ribbon Week. Seconded by council member Marquez. AYES: Newhoff, Hernandez, Kraus, Marquez, Ouderkirk, and Henson. NAYS: None. Motion declared carried by Council President Ouderkirk.

APPROVAL OF BILLS

Council member Newhoff moved to approve all city bills and claims in the amount of \$404,598.03. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Hernandez, Ouderkirk, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Council President Ouderkirk. Action Communication \$36.08, AFLAC \$1,648.17, Airgas \$19.24, AST \$49.90, Allied Benefit Systems \$8,833.61, Bayard Automotive \$190.12, Bayard High School \$1,030.00, Tiger Paws \$1377.58, Black Hills Energy \$371.37, Bluffs Facility Solutions \$50.50, Border States \$1,551.33, Bound Tree \$3.51, Lisa Burton \$84.17, Capital Business Systems \$230.31, CenturyLink \$136.14, Charter \$1,941.51, Child Support of WY \$447.21, Chimney Rock PPD \$274.80, City of Gering \$11,309.22, Connecting Point \$87.79, Contractors Materials \$322.50, Credit Management \$445.76, Croell Inc. \$824.00, Culligan \$128.50, Renne Dabney \$376.53, Dollar General \$23.70, Douglas Kelly Ostidiek \$1,748.50, Dutton-Lainson Co. \$135.79, Enviro Service \$20.00, Kevin Fowlkes \$116.65, Fox Insurance \$644.00, Fyr-Tek \$1,471.35, Gali Masonry \$22,200.00, General Consolidated \$677.37, GreatAmerica \$235.00, Hawkins \$1,592.93, Holiday Inn \$252.38, Jeni Hove \$11.69, Ideal Linen \$141.92, Imperial Pump Solutions \$7,570.50, Ingram \$1,033.92, Jacks Uniforms \$411.49, Kinetic Leasing \$32,040.99, LARM \$71,649.76, Leland Michael Construction \$28,737.50, Lincoln Nat'l Life \$205.52, Gilbert Martinez \$164.73, MC Schaff \$984.10, Menards \$889.06, Midtown Animal Hospital \$462.70, Morrill Co Attorney \$150.00, Morrill Co Clerk \$62.00, Morrill Co Sheriff \$1,000.00, MEAN \$28,702.03, Murphey Tractor \$670.33, NE Child support \$1,716.96, NDEE \$150.00, NE Law Enforcement Training \$72.00, NE Library Commission \$500.00, NE Enviro Lab \$380.00, NPPD \$49.50, Nippon Life \$1,443.16, NW Pipe Fittings \$58.55, NSA & POAN Conf \$100.00, John Hancock \$2,820.89, One Call Concepts \$11.13, OPTK Networks \$300.00, Panhandle Clerk's Assoc \$20.00, COOP \$348.00, WNED \$50.00, Quadiant \$855.00, RWMC \$41.02, Rocky Mountain Air \$147.40, Roberta Rummel \$19.24, Sandberg \$26,194.13, SBC Bldg & Zoning \$88.00, Simplot Growers \$2,010.25, Smartwave Tech. \$2,502.54, Stan Tavenner \$34.08, Topkote \$31,037.55, Transcript \$410.74, Jenessa Ulander \$10,000.00, US Bank \$6,133.26, Viaero Wireless \$346.09, WNCC \$2,128.00, Western States Bank \$353.06, Wyoming First Aid \$61.70, Payroll \$77,018.55. **Total = \$404,598.03.**

CHIMNEY ROCK VILLA

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$294,067.06. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, Hernandez, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Council President Ouderkirk.

Council member Newhoff moved to approve purchase of new dryer from Mitchell Refrigeration in the amount of \$7,400.00. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Newhoff, Kraus, Hernandez, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Council President Ouderkirk.

Villa report for Council

October 12, 2021

SNF: 41

ALF: 2

Med A: 2

1. Concrete work is being done! They are working their way around the building. We even got an extra 6" on the sidewalk in the back because Anna asked so nicely.

2. I met with the painter to discuss a plan to get started. He will be here the first week of November. It's going to be quite the ordeal, but I'm excited for the finished product.
3. CMS is supposed to reveal their final rule in the next few weeks as to whether vaccines will be mandated for healthcare workers or if the non-vax will have to have daily tests.
4. Staffing is still a challenge. I attended a discussion Tuesday evening on the healthcare worker shortage. The discussion revolved around starting Health Sciences instruction in the schools and partnering with nursing homes and hospitals with internships, etc.
5. Casey's last day was the 8th. I think Branden will do a good job. Casey is staying on casual status and will be available for support.
6. PPHD is coming on the 19th to administer covid booster shots to residents and staff. We will do flu shots for residents the following week, then for staff after that.
7. Dryer.... see agenda item.
8. We are planning a Halloween party. The kids from the school are planning on coming up to trick or treat, but there are many extenuating factors.
9. I'm now having to report vaccinations on contracted labor. I have a few that refuse to tell me. So, I'm doing the best I can. Not only do I have to report whether a person is vaccinated or not, but which vaccine they received AND how many are able to get the booster.

DEPARTMENT HEAD MONTHLY REPORTS

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

- **UTILITY REPORT** – Swept Streets, bladed streets, fixed water leak and poured new concrete, equipment maintenance, and pioneer days prep and clean-up
- **PARK REPORT** – Figgins & Legion fields work; at Figgins field removed sod from infield, isolated infield sprinkler heads, put in valve box to operate infield manually, bought wood for new backstops and painted them; tilled and seeded west side of swimming pool park; all grass fertilized.
- **POLICE REPORT** – 35 assist the public; 17 assist other agencies; 2 citation violation; 8 warning violation; 14 complaints; 11 investigations.
- **LIBRARY REPORT** – There were 548 books checked out in the month of September, the computer was used 25 times, 87 books checked out through overdrive, fiber equipment was delivered and set up; attended Western Library System webinar; 2022 Summer reading will be “Oceans of Possibilities”.
- **OFFICE REPORT** – Cross Connection Survey sent out, Community Outreach Meeting; Trees planted, continuing meetings with EPA Brownfield project; Senior Center building construction done; updated code book.

BAYARD FIRE DEPT REPORT – Chief’s Report – 3 MVA’s; 1 Vehicle Fire; 6 Wildland Fires; 1 Structure Fire – 11 calls, 601 man-hours-8 people per call; 8 Mutual Aid Calls **Rescue Report** – 4 Transports to RWMC, 2 Tiered with Valley; 8 No transports (2 Canceled, 6 Refusal): 3 Transports by Valley – 15 calls, 17 pt contacts – Unit 991 143 miles w/ patient, 393.4 total miles; Unit 992 0 miles with patient, 6.9 total miles. **Training Report** – Jerrod Brown Training Pumpers/Liners – 7 People 2.5 Man-hours

CONSENT AGENDA

Council member Newhoff moved to approve the consent agenda which included minutes from September 14th regular meeting; Treasurer’s reports, operational budget, fire department minutes & roster, and Salary change – Roberta Rummel \$15.00. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, Hernandez, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by council President Ouderkirk.

PUBLIC NOTICE

Council Member Newhoff made a motion to accept \$22,700.00 from USDA for extrication equipment and AEDs previously approved. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, Hernandez, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by council President Ouderkirk.

ORDINANCE #855

Council Member Newhoff made a motion to waive the three readings for Ordinance #855. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Marquez, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Motion declared suspended by Council President Ouderkirk.

Council Member Newhoff made a motion for final passage of Ordinance #855. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Council President Ouderkirk declared it passed, adopted, and ordered it published.

ORDINANCE #855

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTIONS 30.01, 30.02, 30.06, 31.35, 50.02, 51.06, 90.01, 90.03, 91.17, 93.01, 130.08, AND 131.03; REPEALING SECTION 12.01, 12.02, 110.02, AND 110.50; AND CORRECTING 32.06, 70.38, 70.43, 91.13, 94.17, 130.46, 132.02, AND 151.09 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

ORDINANCE #858

Council Member Newhoff made a motion to waive the three readings for Ordinance #858. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Marquez, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Motion declared suspended by Council President Ouderkirk.

Council Member Henson made a motion for final passage of Ordinance #858. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Marquez, Newhoff, Hernandez, Ouderkirk, and Kraus. NAYS: None. Council President Ouderkirk declared it passed, adopted, and ordered it published.

ORDINANCE NO. 858

AN ORDINANCE OF THE CITY OF BAYARD APPROVING THE FINAL PLAT OF LOTS 4A AND 4B, BLOCK 10, FIFTH ADDITION TO SOUTH BAYARD, A REPLAT OF LOTS 2, 3 AND 4, BLOCK 10, FIFTH ADDITION TO SOUTH BAYARD, MORRILL COUNTY NEBRASKA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA, AS FOLLOWS:

Section 1: The Final Plat of LOTS 4A AND 4B, BLOCK 10, FIFTH ADDITION TO SOUTH BAYARD, A REPLAT OF LOTS 2, 3 AND 4, BLOCK 10, FIFTH ADDITION TO SOUTH BAYARD, MORRILL COUNTY NEBRASKA, is hereby approved by the Mayor and City Council of the City of Bayard, Nebraska.

Section 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3: This Ordinance shall become effective after its passage, approval, and publication according to law.
PASSED AND APPROVED this 12th day of October, 2021.

ORDINANCE #856

Council Member Ouderkirk introduced Ordinance #856 to the council. City Clerk/Treasurer Bowlin read the title. This ordinance will be placed on the next meeting for final reading.

Ordinance #856

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA ESTABLISHING WATER RATES FOR CUSTOMERS OF THE CITY WATER SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES.

PERSONNEL MANUAL

Discussion was held on personnel manual; several changes have been presented to council. At this time one more change that was noted by council member Newhoff needs to be updated. This item will be on the November council meeting.

MAYOR APPOINTMENT

Council member Henson made a motion to approve Mayor Schmall's appointment of Chad Verbeck into the vacant seat on the CRA committee. Seconded by council member Marquez.
ROLL CALL: AYES: Henson, Newhoff, Kraus, Hernandez, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Council President Ouderkirk.

PUBLIC COMMENT

Council President made 2 announcements from Mayor Schmall; first he wanted to let the council know that the city will be accepting \$2,500.00 UNL grant money for the grocery store project. Second, Mayor Schmall met with the County Assessor and County Commissioners about Pieper building on Main Street and ask the valuation be reduced due to the condition.

ADJOURNMENT

Council member Newhoff moved to adjourn at 8:24 P.M. Seconded by council member Henson.
ROLL CALL: AYES: Henson, Newhoff, Kraus, Hernandez, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Council President Ouderkirk.

G Schmall
Mayor

S Bowlin
City Clerk/Treasurer