

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers October 13, 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 October 7, 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, Rick Valentine, Scot Ouderkirk, and Mike Harimon. Absent: Janice Newhoff, and Nate Edmunds. 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 Ouderkirk made a motion to approve the agenda. Seconded by council member Marquez. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **LAGOON DISCHARGE PROJECT UPDATE**

Mike Olsen with MC Schaff & Associates gave an update on the Lagoon Discharge project. Mike stated the project is mostly complete, Infinity Construction has submitted a Certificate of Substantial Completion; they are waiting for a title for the pump, and they will be transferring that to the City and train the utility department on how everything will work.

Council member Ouderkirk made a motion to approve Change Order #1 showing a decrease in the amount of \$48,250.00. Seconded by Council member Valentine. ROLL CALL: AYES: Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Valentine made a motion to approve Final Invoice for Infinity Construction in the amount of \$142,575.35. Seconded by Council member Harimon. ROLL CALL: AYES: Valentine, Marquez, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **CHIP SEAL INVOICE**

Council Member Valentine made a motion to approve payment to TopKote for Chip Seal in the amount of \$42,411.37; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **INSURANCE QUOTE**

Matt Haas and Taylor Copas presented to council an insurance option for the upcoming year that presents a savings for both the City and its employees. Council Member Harimon made a motion to approve moving forward to get a more firm quote; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **CHIMNEY ROCK VILLA**

Council Member Valentine made a motion to approve hiring Rylee Sharp as temporary nurse aide at Chimney Rock Villa; seconded by council member Marquez. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

Council asked Director Kim Burry to request class four (4) shingles from each of the bidders. This Item will be added again next month.

#### **Director's Report**

1. CMS introduced new visitation guidelines. Now we could be fined if we don't allow visitors. But we still can't just let people in the building. Our policy and what we've been doing follows the guidance they gave.
2. We've spent approximately 13k on test kits.
3. The whirlpool bath has been giving us fits. Maintenance pulled it out and flipped it over, and will order some hoses and "stuff" and hopefully it will be good as new-ish.
4. Kids stopped at Villa on way to Homecoming Dance for window visits. We had a huge turnout!

Council member Harimon moved to approve the Chimney Rock Villa Bills & Claims for \$263,894.14. Seconded by council member Marquez. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

#### **APPROVAL OF BILLS**

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

Council member Harimon moved to approve all city bills and claims as presented. Seconded by council member Marquez. ROLL CALL: AYES: Marquez, Valentine, Harimon, and Ouderkirk. NAYS: None.

Motion declared carried by Mayor Schmall. Action Communications \$34.70, Advancing Technology \$385.00, Aflac \$3027.21, Airgas \$15.94; AST \$49.90, Ameritas \$131.20, Axon Enterprise \$455.00; Bayard Automotive \$836.29, Tiger Paws \$763.29, Black Hills Energy \$424.42, BCBS \$12,074.49, Bluffs Facility Solutions \$88.11, Donna Bratt \$12.29, Capital Business Systems \$350.24, Centurylink-Phoenix \$255.80; Charter \$1855.49, Child Support of WY \$298.14, Chimney Rock PPD \$275.20, Civic Plus \$1679.04, Connecting Point \$44.39, Credit Management \$58.42, Culligan \$94.00; Demco \$335.26, Dollar General \$35.86, Douglas & Kelly law Office \$1895.50, Enviro Service \$40.00, General Consolidated \$841.01; Great America Financial \$235.00; Hawkins \$1084.20, Ideal \$421.30, Infinity Construction \$140,744.35; Ingram \$1159.94, Jack's Uniforms \$287.44, Kinetic Leasing \$32,040.99, Kuskie Reifschneider \$26.63; LARM \$62,226.00, Lincoln Nat'l Life \$202.14, MC Schaff \$32,421.95, Menards \$546.00, Midwest Salt \$5477.97, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$29,112.00, Municipal Supply \$20.84; NE Child support \$1,650.96, NE Dept of Agriculture \$175.00, NE Clerks' Association \$35.00; NPPD \$49.50, NDEQ \$150.00, Northwest Pipe \$21.68, NPZA \$20.00; One America \$1327.45, One Call Concepts \$19.20; WNED \$50.00, Panhandle EMS \$1425.00; Principal Financial Group \$365.59; Print Works \$81.26, Pro Overhead Door \$168.90, Quadiant Leasing \$1455.00, Mark Quillen \$88.99; Rocky Mtn Air Solutions \$124.70, Sandberg Implement \$419.89, Schank Roofing \$19,335.00, Scotts Bluff County \$72.00, Simmons Olsen Law \$171.00; Simon Materials \$1,713.67, Simplot \$4,415.00, Staples \$33.18, Star Herald \$306.90; Stu Campbell \$121.28; Transcript \$509.73, Tree Doc \$200.00, Tumbleweed Press \$800.00, TCD \$500.00, United Industries \$11,560.00, US Bank \$11,155.71, Tonia Verbeck \$12,325.00; Viaero \$343.66, Waste Connections \$10,435.64, Wells Fargo \$559.56, WNEA \$245.00, Western States Bank \$503.06; Payroll \$51,396.99 Total = \$468,373.44.

**UTILITY REPORT** – Bladed roads, swept streets, handled meter orders and line locates, changed out sand filter at swimming pool, changed out electric meters, and dealt with water leaks.

**PARK AND GOLF REPORT** – Mosquito spraying finished up, still repairing sprinklers, mowing down to once a week, sprayed parks and fields, Jeff is out after surgery and Joe A will be here until the end of October.

**POLICE REPORT** – August: 29 assist the public; 8 assist other agencies; 1 citation violation; 1 warning violation; 19 complaints; 10 investigations. September: 34 assist the public; 22 assist other agencies; 9 citation violations; 26 warning violations; 12 complaints; 2 investigations; and required training continued.

**LIBRARY REPORT** – There were 473 books checked out in the month of September, the computer was used 18 times, 83 books checked out through overdrive, grant & fiber work ongoing, attending Association for Rural and Small Libraries Conference.

**OFFICE REPORT** – Working on new website, working on meter reads and billing, interviews, Panhandle Clerks Webinar, NPZA Webinar, monthly and quarterly reports, end of fiscal year, auditor preparations.

**BAYARD FIRE DEPT REPORT** – Chiefs Report: 5 Grass fires, 44 people - 346 man hours; 1 MVA, 9 people – 36 man-hours.; Rescue Report: 7 calls, 180.7 miles 13 man hours, 4 transports, 2 no transport, 1 standby, Training Report: 10 people – 45 man hours for controlled burn.

### **ORDINANCE #843**

Council Member Ouderkirk made a motion to waive the three readings for Ordinance #843. Seconded by council member Harimon. ROLL CALL: AYES: Harimon, Marquez, Valentine, and Ouderkirk. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Ouderkirk made a motion for final passage of Ordinance #843. Seconded by council member Harimon. ROLL CALL: AYES: Harimon, Marquez, Valentine, and Ouderkirk. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

### **ORDINANCE NO. 843**

AN ORDINANCE OF THE CITY OF BAYARD MERGING THE BAYARD CITY CLERK AND TREASURER POSITIONS; 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:

1. The Bayard City Clerk and Bayard City Treasurer positions have been held by two individuals. The Bayard City Code allows the Mayor and City Council to merge appointive offices. It is in the best interest at this time to merge the City Clerk and City Treasurer positions, so that they are held by the same officer at the same time.
2. The Bayard City Clerk and Bayard City Treasurer offices shall be merged, so that they will now be held by the same officer at the same time. However, the offices shall be construed to be separate, and the effect of the merger shall be limited to a consolidation of official duties only.
3. This merger shall remain in effect until further action by the Mayor and City Council of the City of Bayard.
4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
5. This Ordinance shall become effective after its passage, approval, and publication according to law.

PASSED AND APPROVED this 13th day of October 2020.

S/G. Schmall  
Mayor

S/S. Bowlin  
City Clerk/Treasurer

**APPOINTING CLERK/TREASURER**

Mayor Schmall is asking for council approval of his appointment of City Treasurer Bowlin to City Clerk/Treasurer. Council member Ouderkirk moved to approve the appointment of Shelly Bowlin as City Clerk/Treasurer; seconded by council member Valentine. ROLL CALL: AYES: Marquez, Harimon, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

**CONSENT AGENDA**

Council member Harimon moved to approve the consent agenda which included minutes from September 8th minutes; Treasurer’s reports, operational budget, new hire Renne Dabney Deputy Clerk/Treasurer- \$17.00/hr. and salary change Mike Youngquist \$23.00 end of probation. Seconded by council member Valentine. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

**RESOLUTION #981**

Council Member Harimon made a motion to approve Resolution #981 Demolition of Unsafe Property; seconded by council member Marquez. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

**RESOLUTION NO. 981**

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

WHEREAS, the City of Bayard Code Official has determined that the property located at 518 3<sup>rd</sup> Avenue, Bayard, Nebraska, (Lot Four (4), Block Six (6), EAST ADDITION to South Bayard, Morrill County, Nebraska) is an unsafe building and is unsafe and unfit for human occupancy because of numerous violations of the City of Bayard Property Maintenance Code and Bayard City Ordinances.

THEREFORE, be it resolved by the Mayor and City Council of the City of Bayard as follows:

1. Notice of Unsafe Building shall be posted and served according to law, on the property located at 518 3<sup>rd</sup> Avenue, Bayard, Nebraska, (Lot Four (4), Block Six (6), EAST ADDITION to South Bayard, Morrill County, Nebraska) giving notice that the unsafe condition be either remedied or the property demolished within 60 days. Upon failure to comply with the notice, the City may proceed to correct or abate such violations as necessary, and any action taken by the City of Bayard shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

This Resolution is adopted this 13<sup>th</sup> day of October, 2020.

S\G. Schmall  
Mayor

S\S. Bowlin  
City Clerk/Treasurer

**RESOLUTION #978**

Council Member Harimon made a motion to approve Resolution #978 MEAN Management Committee; seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

**RESOLUTION #978**

*Appointment of Representative and Alternate to MEAN Management Committee*

WHEREAS, the City of Bayard is a party to the Electrical Resources Pooling Agreement; and, pursuant to the terms of such Agreement, it is the responsibility of the City to designate a representative of the City to the MEAN Management Committee provided for under the terms of said Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bayard, that:

1. The City Clerk is hereby directed to give written notice to the Municipal Energy Agency of Nebraska (MEAN) of the appointment of Dan Coolidge as the City’s representative to said MEAN Management Committee.
2. The City Clerk/Treasurer is hereby directed to give written notice to the Municipal Energy Agency of Nebraska (MEAN) of the appointment of Shelly Bowlin as the City’s alternate representative to said MEAN Management Committee.

This is to certify that the appointment set out above was approved by the Mayor and City Council at the City Council meeting of October 13, 2020.

S\G. Schmall  
Mayor

S\S. Bowlin  
City Clerk/Treasurer

**RESOLUTION #979**

Council Member Harimon made a motion to approve Resolution #979 NMPP Members’ Council; seconded by council member Valentine. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

**RESOLUTION #979**

*Representative or Alternate Representative to NMPP Members’ Council*

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bayard, State of Nebraska, that:

1. Such City be and hereby is authorized to become a member of the Nebraska Municipal Power Pool and to do all things necessary and proper to such membership.
2. The Mayor and City Council of the City of Bayard, State of Nebraska, does hereby appoint Dan Coolidge as the representative of the City of Bayard, State of Nebraska, to the Members’ Council of the Nebraska Municipal Power Pool.
3. The Mayor and City Council of the City of Bayard, State of Nebraska, does hereby appoint Shelly Bowlin as the alternate representative of the City of Bayard, State of Nebraska, to the Members’ Council of the Nebraska Municipal Power Pool.

This is to certify that the appointment set out above was approved by the Mayor and City Council at the City Council meeting of October 13, 2020.

S\G. Schmall  
Mayor

S\S. Bowlin  
City Clerk/Treasurer

**RESOLUTION #980**

Council Member Harimon made a motion to approve Resolution #980 ACE Board of Directors; seconded by council member Valentine. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

**RESOLUTION #980**

WHEREAS, the City of Bayard, Nebraska is a party to the Interlocal Agreement creating the PUBLIC ALLIANCE for COMMUNITY ENERGY and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative to the City of Bayard, Nebraska to the PUBLIC ALLIANCE for COMMUNITY ENERGY Board of Directors provided for under the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bayard, Nebraska that:

1. The City Clerk is hereby directed to give written notice of the PUBLIC ALLIANCE for COMMUNITY ENERGY of the appointment of Shelly Bowlin as the City’s representative to said Board of Directors.
2. The City Clerk is here directed to give written notice to the PUBLIC ALLIANCE for COMMUNITY ENERGY of the appointment of Dan Coolidge as the City’s alternate representative to said Board of Directors.

Dated this 13th day of October, 2020.

S\G. Schmall  
Mayor

S\S. Bowlin  
City Clerk/Treasurer

**SALARY INCREASE**

Council member Valentine moved to increase City Clerk/Treasurer Bowlin’s salary by 10%; retroactive to September 8<sup>th</sup> when taking over Clerk duties; seconded by council member Harimon. ROLL CALL: AYES: Marquez, Harimon, Valentine, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

Council member Marquez moved to adjourn at 8:05 P.M. Seconded by council member Harimon. ROLL CALL: AYES: Marquez, Valentine, Ouderkirk, and Harimon. NAYS: None. Motion declared carried by Mayor Schmall.

S\G Schmall  
Mayor

S\S Bowlin  
City Clerk/Treasurer