

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met special session in the Council Chambers September 19, 2017, 7:00 PM 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 September 13, 2017. An agenda for the meeting was made available to the Mayor and each of the Council members prior to the meeting. Present were Mayor Coolidge and council members, Nate Edmunds, Jim Deines, Scot Ouderkirk, Gage Norman, and Trevor Teichroeb. Absent: None. There being a quorum of council members present, Mayor Coolidge called the meeting to order at 7:00 P.M. with City Clerk Nate Heffron recording the minutes.

All present voluntarily recited the Pledge of Allegiance.

Council member Ouderkirk made a motion to approve the agenda. Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge acknowledged the Open Meetings Act and stated to the public that a copy is posted on the door.

Mayor Coolidge presented Janice Newhoff as her appointee for the vacated council seat.

Council member Norman moved to confirm the appointment of Janice Newhoff to the open council seat. Seconded by council member Ouderkirk. AYES: Ouderkirk, Teichroeb, Deines, Norman, and Edmunds. NAYS: None. Motion declared carried by Mayor Coolidge.

Newly appointed council member Janice Newhoff, read her official oath and was seated with Council.

Council member Ouderkirk made a motion to open the public hearing on Fiscal Year Budget 2017-2018. Seconded by council member Edmunds. AYES: Edmunds, Teichroeb, Deines, Norman, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Hearing Comments: None.

Council member Teichroeb made a motion to close the public hearing on Fiscal Year Budget 2017-2018. Seconded by council member Norman. AYES: Edmunds, Teichroeb, Deines, Norman, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Edmunds moved to approve the City of Bayard's fiscal year 2017-2018 budget of expenditure in the amount of \$12,277,827.00. Seconded by council member Teichroeb. ROLL CALL: AYES: Ouderkirk, Newhoff, Edmunds, Norman, Denies, and Teichroeb. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Norman moved to approve a 1% additional allowable increase for restricted funds authority for Fiscal Year Budget 2017-2018. Seconded by council member Teichroeb. ROLL CALL: AYES: Ouderkirk, Newhoff, Edmunds, Norman, Denies, and Teichroeb. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Norman introduced Ordinance #804, and moved that the statutory rules requiring the reading of the title on three different days be suspended. Council member Teichroeb seconded the motion. Mayor Coolidge stated that it has been moved and seconded that the statutory rules requiring reading of the title on three different days be suspended. ROLL CALL: AYES: Ouderkirk, Newhoff, Edmunds, Norman, Denies, and Teichroeb. NAYS: None. Motion declared carried by Mayor Coolidge. Mayor Coolidge stated the motion to suspend the statutory requirement is adopted by three-fourths of the Council, and the requirement is declared suspended for Ordinance #804. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA.

SECTION 1. That there be and there hereby is appropriated out of the funds and revenue of the City of Bayard, Nebraska, the following sums of money deemed necessary to defray all necessary expenses and liabilities of the City of Bayard, Nebraska, for the fiscal year commencing October 1, 2017 and ending September 30, 2018; and there is hereby levied on each

one dollar of actual value of the taxable property within the corporate limits of the City of Bayard, Nebraska, for said fiscal year, as shown by the assessment roll for such fiscal year, the amounts set out; the objects or purposes for which such expenditures are to be made, the amount of appropriated, including the amounts due upon legal and valid outstanding bonds against said City and all special assessments and other tax authorized by law, are as follows:

City of Bayard	\$12,277,827.00
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SECTION 2. There is hereby appropriated to the respective funds of said City such sums as shall be paid to the County Treasurer of Morrill County, Nebraska, during the ensuing year for taxes and previous fiscal years for such respective funds and there is also appropriated all occupational taxes collected for and during the fiscal year; also unexpended funds in the hands of the City Treasurer at the beginning of the present fiscal year hereby appropriated to be used to defray the expenses or obligations of the City chargeable against said City funds.

SECTION 3. That this ordinance shall be known as the Annual Appropriation Bill and shall be in full force and effect from and after the passage, approval and publication according to law.

Passed and adopted this 19th day of September 2017.

Council member Norman moved for final passage of Ordinance #804. Council member Teichroeb seconded the motion. Mayor Coolidge stated that it has been moved and seconded that Ordinance #804 be passed and adopted. ROLL CALL: AYES: Ouderkirk, Newhoff, Edmunds, Norman, Denies, and Teichroeb. NAYS: None. Motion declared carried by Mayor Coolidge. Mayor Coolidge stated the passage and adoption of Ordinance #804 has been concurred by a majority of all members elected to the Council and declared it passed, adopted and ordered it published.

Council member Norman moved to pass the following resolution:

RESOLUTION #895

WHEREAS, LB 1085 (Laws 1996), as amended by LB 693 (Laws 1996), authorizes the Governing Body to set a final property tax levy at a different amount than the preliminary levy certified to the Governing Body by the County Clerk;

WHEREAS, the Mayor and Council of the City of Bayard, Nebraska has conducted a public hearing as prescribed by law and heard and considered comments concerning the propriety of the preliminary levy and the need to establish a different levy;

WHEREAS, the Mayor and Council of the City of Bayard, Nebraska hereby finds and determines that it is in the best interests of the Municipality that a levy be set at a different amount than that of the preliminary levy;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BAYARD, NEBRASKA, that the final levy of the Municipality for the fiscal year 2017-2018 is set at 0.494672 per one hundred dollars of actual valuation.

Passed and approved this 19th day of September, 2017.

Seconded by council member Edmunds. ROLL CALL: AYES: Ouderkirk, Newhoff, Edmunds, Norman, Denies, and Teichroeb. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor

ATTEST:

City Clerk

No report was given for Chimney Rock Villa.

Council member Edmunds moved to approve the Chimney Rock Villa Bills & Claims. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Teichroeb, Deines, Norman, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

No department head reports were given.

City Clerk Heffron gave an update on the financial reports of the Chimney Rock Golf Course.

Council member Norman moved to approve the payroll portion of the bills and claims for the City of Bayard. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Deines moved to approve the City of Bayard bills & claims less payroll. Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Norman moved to approve the consent agenda. Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Ms. Donna Bratt addressed the council cornering damages inflicted on her vehicle due to a damaged park-stop at the Chimney Rock Golf Course. Ms. Bratt explained that her front bumper was damaged while parking. A piece of re-rod was extruding out from the concrete parking block and scraped as she pulled forward and when she backed up it pulled part of her bumper off. Ms. Bratt is only asking for the towing invoice to be paid in the amount of \$117.50.

Council member Norman moved to pay Donna Bratt's towing bill for damages caused to her vehicle by city equipment in the amount of \$117.50. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Mrs. Sheila Henson addressed the Council concerning the state of the parks (concerning watering) and condition of her street. She stated that she has not seen any improvements and was wondering when to expect improvements.

Mayor Coolidge stated that some of the street that Mrs. Henson is referring to has had some patch work, maybe not the section she was referring to but the city is patching some of the deeper pot-holes first.

Mayor Coolidge responded to Mrs. Henson's concerns on parks by saying that some of the park issues have been dealt with but further investment will need to be made over time. The city is currently looking separating the duties between the parks and golf course by creating a parks-lead position in order to concentrate on the parks more than they have in the past. She also mentioned they are still in the process of filling vacant staff positions. Once these positions are filled a plan will be made with staff on how to manage both the golf course and parks.

Additionally, the Mayor had informed the Council and the public that some investment will need to be made on the irrigation system at Swimming Pool Park due to its poor condition leading back from several years back. The Mayor also informed the Council that a soil sample was taken and that several inches down sand is present, additional work will need to be done to correct this issue.

Mrs. Henson asked if anything has been done about the well that was not working. The Mayor states that no further action has been taken on this issue. The Council is waiting for the water treatment plant be finished first to see how it is going to affect the system before any further action will be taken.

Mrs. Henson also asked about the parks' mower, she was informed that the mower is not functioning properly. Mayor Coolidge responded by stating she was not aware that the mower was not functioning properly. Council Member Norman stated that no one had informed the Parks and Golf Committee that the mower was not working properly. Mayor Coolidge also noted that the city has an aged fleet of equipment that needs to be updated and much of the patch work and waiting comes down to a matter of funding.

Mayor Coolidge informed the Council that she has made a job offer for the Golf/Parks Superintendent position. She is still waiting to hear back if they candidate will accept the position. She also explained that she is looking to hire a full-time Parks-Lead to focus more attention on the parks.

Council member Norman moved to allow a special liquor license for the Chimney Rock Museum for their annual Sip 'N Sample fundraiser to be held on Friday, November 10, 2017, with an alternate date of Friday, November 17, 2017. Seconded by council Edmunds. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Mike Olsen from MC Schaff was not able to attend the Council meeting, but submitted a report to the Council. The report indicated the following:

"We are progressing, but slowly at times. The plumbers are working on getting the PVC pipe routed and hung on the walls in the Treatment Plant. Paul Reed has had a tough time with their plumbing subcontractor and they are behind schedule on that portion of the project. The clear well tank that had to be recast due to the original manufacturer's plant burning down in July should arrive to the site Friday. Once the tank gets set, Paul Reed's guys can get in and get the ductile iron portion of the piping completed, then the final portion of the plumbing and electrical can be completed".

"The new well has been flushed and used to pressurize the 8 inch raw water pipes and the chlorination process has begun. The 12" treated water pipe was filled from the connection to the existing system and the chlorination process has begun. Hopefully this week we will have passing bacteria tests on those lines, and they will be able to be put into service once the plant is finalized. The only remaining work on the new well and the east well is the painting of the piping".

Council member Norman moved to approve change order 3 for water treatment plant. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Norman moved to approve pay order 5 for water treatment plant in the amount of \$305, 404.51, made payable to Paul Reed Construction & Supply Inc. Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Norman moved to pay invoice #17326 to MC Schaff and Associates, Inc. in the amount of \$39,386.25 for the water treatment plant. Seconded by council member Schmall. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Discussion was held on giving pre-authorization to the Street & Utilities Supervisor to purchase one three-phase re-closure system for the west substation if needed for replacement. Some additional inspections will be made on the current unit to determine if a new one is needed. Additionally, if a new system is purchased a local distributor will be chosen for easier access for repairs and maintenance.

Council member Edmunds moved to give authorization to the Street & Utilities Supervisor to purchase one three-phase re-closure system for the west substation from Cooper Power Systems LLC, in the amount of \$18, 353.61.00 if needed for replacement. Seconded by council member Deines. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Edmunds moved to entering into a residential development agreement with Millennium Resilient International, Inc. for the purpose of housing development. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Edmunds moved to approve the following resolution:

RESOLUTION #894

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

WHEREAS, the City owns certain parcels of real estate described as follows:

- a) Lot 7, Block 2, Second East Addition, Bayard, Morrill County, Nebraska;
- b) Lot 1, Block 7, East Addition, Bayard, Morrill County, Nebraska;
- c) Lot 2, Block 7, East Addition, Bayard, Morrill County, Nebraska;

and

WHEREAS, it is in the best interest of the City to sell this surplus property for redevelopment; and

WHEREAS, the value of the property is less than \$5,000 and pursuant to Neb. Rev. Stat. § 17-503.01, property having a fair market value of less than \$5,000 may be sold by resolution; and

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

- 1. The sale of the property is in the best interest of the City.
- 2. The property shall be sold to Millennium Resilient International, Inc. for \$250.00 per lot.
- 3. Following passage of the Resolution directing the sale of the property, Notice of the Sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. Notice shall give a general description of the property offered for sale and state the terms and conditions of sale.
- 4. Upon passage of this Resolution and expiration of the Notice provision, a contract shall be executed by the parties providing for normal and typical terms and conditions of sale, including title insurance and payment of liens and encumbrances by the City.
- 5. Confirmation of the sale will be completed by passage of an ordinance after the Notice time has expired.

This Resolution is adopted this 19th day of September, 2017.

Mayor

Attested by:

City Clerk

Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Norman moved to approve the Tax Increment Financing agreement and promissory note for Gen Claver on the property located at Lot 6, Block 14, Fifth Addition, by the City Council acting as the Community Redevelopment Authority. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Deines moved to approve the following resolution:

RESOLUTION #896

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

WHEREAS, the City owns certain parcels of real estate described as follows:

d) Lot 5, Block 14, 5th Addition, Bayard, Morrill County, Nebraska;

and

WHEREAS, it is in the best interest of the City to sell this surplus property for redevelopment; and

WHEREAS, the value of the property is less than \$5,000 and pursuant to Neb. Rev. Stat. § 17-503.01, property having a fair market value of less than \$5,000 may be sold by resolution; and

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

6. The sale of the property is in the best interest of the City.
7. The property shall be sold to The Gene R. Claver Trust, Gene R. Claver and Alfretta A. Claver, Trustees, for \$250.00.
8. Following passage of the Resolution directing the sale of the property, Notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. Notice shall give a general description of the property offered for sale and state the terms and conditions of sale.
9. Upon passage of this Resolution and expiration of the Notice provision, a contract shall be executed by the parties providing for normal and typical terms and conditions of sale, including title insurance and payment of liens and encumbrances by the City.
10. Confirmation of the sale will be completed by passage of an ordinance after the Notice time has expired.

This Resolution is adopted this 19th day of September, 2017.

Mayor

Attested by:

City Clerk

Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

No action was taken on Resolution #897, until additional information could be obtained.

Council member Edmunds introduced Ordinance #806 for its' first reading.

City Clerk Heffron read the title of Ordinance #806: AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTION 35.31 OF THE CITY CODE OF INVOLVING REMOVAL OR DISCIPLINE OF POLICE OFFICERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance #806 will be place on the October agenda for its' second reading.

Council member Teichroeb introduced Ordinance #805 for its' first reading.

City Clerk Heffron read the title of Ordinance #805: AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA ADOPTING CHAPTER 133 TO PROHIBIT AND REGULATE PUBLIC NUDITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance #805 will be place on the Octobers agenda for its' second reading.

Council member Norman moved to hold the fall free dump day being Saturday, October 7, 2017, with alternative date of Saturday, October 14, 2017, from 8:00 a.m. until 12:00 p.m. Seconded by council member Schmall. ROLL CALL: AYES: Edmunds, Teichroeb, Deines, Norman, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge. Council member Edmunds moved to approve the following resolution:

RESOLUTION #898

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

WHEREAS, the City maintains three RV sites at the Bayard Pool Park; and

WHEREAS, it is necessary to regulate the use of the RV sites and charge an appropriate fee for use of the RV sites in the best interest of the City of Bayard; and

WHEREAS, it is in the best interest of the City that the RV sites be made available for short term use and that long term permanent usage is not in the best interest of the City of Bayard.

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

1. The Bayard Pool Park RV sites shall be available to individuals without cost for the first 2 nights of any stay.
2. The next 5 nights shall be charged at the rate of \$10.00 per night.
3. All additional days after the first 7 days shall be charged at the rate \$25.00 per night.
4. The maximum stay will be limited to 14 consecutive days.
5. Daily usage shall be accumulative on an semi-annual basis. Leaving an RV spot or moving from one spot to another will not reset the daily fee.
6. The City Staff with the assistance of the Police Department shall make notations of vehicle descriptions and license plate numbers to be turned in to the City Office each

business day. The City Office will keep a log of the vehicles using the RV sites and determine the appropriate fee to be paid by RV site users. Fees shall be paid in advance by RV site users.

7. Appropriate notices shall be posted on the RV sites concerning rules and regulations for use of each RV site.

This Resolution is adopted this 19th day of September, 2017.

Mayor

Attested by:

City Clerk

Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Ouderkirk moved to enter into an interlocal agreement with the City of Scottsbluff for interpretation services for the City of Bayard's Language Assistance Plan. Seconded by council member Teichroeb. ROLL CALL: AYES: Edmunds, Teichroeb, Deines, Norman, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

No action was taken on item #36, the request made to speak to the Council during executive session has been withdrawn.

Public Comment:

City Attorney Kelly mentioned that a new rule has been established where a council member cannot vote on anything related to bills and claims if it directly affects them. The solution to this is to separate the bill in question so it can be voted on separately.

Cynthia Trimble thanked the Mayor and Council for allowing her to serve on the PRT and felt that the PRT and city are moving in the right direction and that she hopes they will continue to do so. She will be resigning next week because her husband has been hired out of town, back east.

Council Member Teichroeb thanked everyone who came out and supported the Chimney Rock Villa open house last week.

Council member Norman moved to adjourn at 8:24 P.M. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Deines, Norman, Teichroeb, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor

ATTEST:

City Clerk

“This institution is an equal opportunity provider and employer.”