

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met regular session in the Council Chambers December 11, 2017 at 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 December 6, 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, Scot Ouderkirk, Jim Deines, Marty Marquez, and Janice Newhoff. Absent: Gage Norman. 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.

Mayor Coolidge recommended the following changes to the Agenda: (1) Removing Michelle Coolidge and Kim Bury from the item #7. (2) Creating agenda item to appoint Michelle Coolidge and Kim Bury as signers on all Chimney Rock Villa bank accounts. (3) Moving item #31 between item #16 and #17.

Council member Edmunds made a motion to approve the agenda with the following changes: (1) Removing Michelle Coolidge and Kim Bury from the item #7. (2) Creating agenda item to appoint Michelle Coolidge and Kim Bury as signers on all Chimney Rock Villa bank accounts. (3) Moving item #31 between item #16 and #17. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Deines 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.

Kim Bury, Administrator for Chimney Rock Villa gave the Villa's monthly report.

Council member Ouderkirk moved to remove John Araujo and Christy Martinez from all Chimney Rock Villa accounts. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Deines and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Deines moved to appoint Shelly Bowlin as the Chimney Rock Villa Deputy Treasurer. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Deines and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Edmunds moved to appoint Michelle Coolidge and Kim Bury as signers on all Chimney Rock Villa bank accounts. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds, Newhoff, Marquez, Deines and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

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

All department heads: Dan Coolidge, Nate Heffron, Jeff Smith, Zak Douglass and Ron Rodenbaugh presented monthly reports for their departments.

City Clerk Heffron and Clubhouse Manager Rodenbaugh gave an update on the affairs of the Chimney Rock Golf Course.

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

Council member Newhoff moved to pay Chimney Rock Public Power District for electrical services in the amount of \$750.96. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, and Marquez. NAYS: None. ABSTAIN: Ouderkirk. Motion declared carried by Mayor Coolidge.

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

Starr Lehl, Economic Development Director for the City of Scottsbluff, presented to the Mayor and City Council, the City of Bayard Business Retention and Expansion report. Earlier this year the City of Bayard conducted a Business Retention and Expansion survey. This information will be used to certify the City as an Economic Leadership Development Community. In addition this information will be used to assist in attracting and retaining businesses within Bayard. A copy of this will be available on the City of Bayard website for public use.

Mayor Coolidge shared a preliminary proposal with the Council concerning entering into an economic development agreement with Looking Glass Inc. No action was taken. The Mayor and council directed City Attorney Kelly to work with Looking Glass Inc. in developing a contract to be reviewed at a later date.

Mayor Coolidge presented her appointment of Jennifer Tressler as City Clerk effective January 2, 2018.

Council member Ouderkirk moved to approve the appointment of Jennifer Tressler as City Clerk. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge declared the Public Hearing on Ordinance # 812 open.

Public Hearing:

Mayor Coolidge informed the Council that the ordinance before them is to modify the Economic Development Program by including housing as an option for use LB840 funds. This public hearing is being held to gain public input and answer any questions anyone may have.

Public Comment: None.

Mayor Coolidge declared the Public Hearing on Ordinance # 812 closed.

Council Member Ouderkirk introduced Ordinance #812, and moved that the statutory rules requiring the reading of the title on three different days be suspended. Council member Deines 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: Edmunds, Newhoff, Deines, Marquez, and Ouderkirk. NAYS: None. 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 #812. AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA MODIFYING AND AMENDING THE CITY OF BAYARD ECONOMIC DEVELOPMENT PROGRAM; PROVIDING FOR ADOPTION OF A REVISED ECONOMIC DEVELOPMENT PROGRAM; 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 City Code of the City of Bayard is hereby adopted:

**Section 96.01 - Bayard Economic Development Program**

## **SECTION I. General Community and Economic Development Strategy**

The general strategy for the Economic Development Program and the effort to be undertaken under the Local Option Municipal Economic Development Act (LB-840) is to build on the community's strength, to promote businesses, and industry, and the retention and creation of employment for the community. The strategy is to maintain a good quality of life for our citizens, develop a strong workplace, develop our community's resources, attract new capital investment, broaden the community tax base and insure economic stability for the City of Bayard.

Bayard is striving to accomplish these goals with a stronger city involvement and leadership role for future development, and by the use of Federal, State, Municipal, and Private resources.

## **SECTION II. Statement of Purpose Describing General Intent and Goals**

It will be necessary for the City of Bayard to provide additional financial support to make it economically feasible to recruit, grow and expand business and industry for our community. This effort is very important to our community and it is in the interest of this program to replace the jobs lost and to secure additional employment for the citizens of our community. It is the goal of this effort to secure the essential local participation in the financial partnership required to carry out this plan. The fairest and easiest means we have for acquiring the needed funds is through an affirmative vote by the citizens of the City of Bayard in supporting this project.

## **SECTION III.**

### **A. Eligible Activities**

This Economic Development Plan provides that the proceeds of funds generated from the use of the Local Option Municipal Economic Development Act (LB-840) may be used to fund any project or program providing direct or indirect financial assistance to a qualifying business or industry and the related costs and expenses as allowed by Section 6 of LB-840. Eligible activities under this program shall include, but not limited to:

1. Funding of business recruitment activities.
2. Incentives for business and industry investment and a job creation.
3. Direct loans or grants to qualifying business or industry for fixed assets or working capital or both.
4. Grants for public works and improvements essential to the location or expansion of a qualifying business.
5. The purchase and or development of real estate, options for such purchases, and the renewal or extension of such options.
6. The provision for technical assistance to businesses, such as marketing assistance, management counseling, preparing financial packages, and engineering assistance.
7. Payment for salaries or support of city staff or the contracting with an outside entity to implement and/or administer the Economic Development Program.
8. The issuance of bonds as provided for in the Local Option Municipal Economic Development act (LB-840).
9. Providing grants or loans for the construction or rehabilitation for sale or lease of housing for persons of low or moderate income.
10. Construction and rehabilitation of housing pursuant to a Workforce Housing Plan, as provided for below.
11. Grants or loans for the construction or rehabilitation for sale or lease of housing as part of a Workforce Housing Plan, as provided for below.

## **B. Workforce Housing Plan:**

"Workforce Housing Plan" means a program to construct or rehabilitate single-family housing or market rate multi-family housing which is designed to address a housing shortage that impairs the ability of the City to attract new businesses or impairs the ability of existing businesses to recruit new employees. In connection with the Workforce Housing Plan:

1. The City has participated in a Multi-County Regional Housing Study (the "Housing Study") conducted by Hanna:Keelan Associates, P.C. for Western Nebraska Economic Development Interlocal Group. The Housing Study covered Scotts Bluff, Morrill and Kimball Counties, and communities within those Counties, to include the City. The Housing Study found that the current housing stock in the City and Morrill County, including both single-family and market rate multi-family housing, was deficient in numbers and quality, and that the City has a housing shortage.
2. The Workforce Housing Plan is intended to include all single-family housing and market rate multi-family housing. No special provisions for housing for persons of low or moderate income are provided for.
3. Due to the lack of available housing within the City and Morrill County, existing businesses have difficulty in recruiting new employees; and
4. Construction costs, and the cost of providing infrastructure for housing (to include streets and utilities), are adversely impacting the ability to find housing for persons seeking new or rehabilitated housing in the City.

C. The eligible activities described above are considered priority activities for the use of generated funds under the Local Option Municipal Economic Development Act. The City of Bayard recognizes that the attraction of a new business or industry to a community or the expansion of an existing business takes place in a very competitive market place, and in the creation of jobs in the area, the City retains the right to include as eligible services, those additional activities allowable by law. In order to stay current with Nebraska Statutes, the City of Bayard retains the right to amend the Economic Development Plan when such amendment pertains to change made to the Local Option Municipal Economic Development Act or to other statutes that effect the Bayard Program. Such amendments can only be made after a public hearing and a majority vote by the Bayard City Council.

## **SECTION IV. Eligible Types of Businesses**

1. A qualifying business shall mean any corporation, partnership, or sole proprietorship regardless of its principal source of income.
2. If a business, which would otherwise be qualifying business, employs people and carries on activities in more than one city in Nebraska or will do so at any time during the first year following its application for participation in an economic development program, it shall be a qualifying business only if, in each such city, it maintains an employment development program at a level not less than its average employment is such city over the twelve-month period preceding participation.
3. Any other businesses deemed as qualifying business through future action of the Nebraska Legislation.

**SECTION V. Eligible Housing Projects**

With reference to eligible housing projects, the income levels which will qualify persons for participating in the housing program shall be based upon existing Federal government guidelines or standards for qualifying for any Federal Housing Assistance Program as such levels may be modified by the consideration of existing local and regional economic conditions and income levels. The City shall consider the following factors concerning appropriate adjustments to the income of persons seeking consideration for participation in the program:

1. The amount of income of the person which is available for housing needs.
2. The size of the family to reside in each housing unit.
3. The cost and condition of housing available in the City.
4. Whether the person, or any member of the person’s family, will be residing in the household unit is elderly, infirm or disabled.
5. The ability of the person to complete successfully.

**SECTION VI. Source of Funding**

The Bayard Economic Development Program will be funded by proceeds from an existing one-cent city sales tax. The Program will receive 25 percent of the first \$100,000 collected, with a maximum yearly amount of \$25,000. This will be collected for a ten (10) year period, beginning December 31, 2016 and ending December 31, 2027. The total amount to be collected from the local revenue source to finance the Economic Development Program shall not exceed \$250,000. The maximum annual amount shall be \$25,000.

The Economic Development Program will run from December 31, 2016 to December 31, 2027, a period of ten (10) years. At the end of the 10 years, the remaining program funds along with loan repayments shall be deposited into the City’s general operating fund to offset property taxes.

PRELIMINARY PROPOSED BUDGET	
TOTAL TO BE COLLECTED	\$250,000
PROGRAM EXPENSES AND LOANS	\$250,000

Accumulated surplus of funds in excess of current needs shall be invested in accordance with Nebraska Municipal Investment Laws.

**SECTION VII. Process of Qualifying Industry or Business to Apply for Financial Assistance Application Process**

The Plan Administrator and Project Review Committee will be responsible for development of procedures to insure the confidentiality of business information received from applicants for financial assistance. These will include a restriction on the number of people with access to the files with the responsibility for their safe keeping and requiring personnel involved in the program review to sign statements of confidentiality regarding all personal and private submission of applicants.

To be considered for direct financial assistance under the Bayard Economic Development Program an application must provide the following;

1. A detailed description of the proposed project.
2. A business plan for the project, including employment and financial projects.
3. Current financial statements, financing requirements for the project, and total project cost.
4. A completed City of Bayard Local Option Municipal Economic Development Program application for financial assistance.

5. Additional information, as necessary to determine the economic viability of all proposed projects(s), may be requested by the Project Review Committee.

The Project Review Committee will review applications and requests for direct financial assistance in the order in which they are received. Applications received by the Project Review Committee will be reviewed based on project feasibility as determined by review of the applicants plan and other requested information by the Project Review Committee, and the potential future economic benefit to the community of Bayard.

The Project Review Committee will be responsible for verification of information in the applications of those eligible businesses and industries which receive a recommendation for financial assistance, the Committee has final say.

### **SECTION VIII. Administrative System**

It is the intent of the Mayor and City Council to appoint an administrator of the Economic Development Program for the General Administration of the program.

The Program Administrator will:

1. Provide the Citizen Advisory Committee with the necessary information and advise the committee on the Economic Development Program.
2. Review applications of qualifying business for direct financial assistance and making recommendations to the Project Review Committee.
3. Tracking employment figures for participating business or industry for two years if business or industry employs persons in other Nebraska communities.
4. Additional responsibilities, as determined by the City of Bayard, necessary to carry out the program.

The City of Bayard will retain the responsibility and final decision on purchase or sale of land or buildings. Additional administration responsibilities of the Economic Development Program that the City may be required to perform will be carried out by the existing city staff.

### **SECTION VIX. Project Review Committee**

The Project Review Committee will be composed of at least five members but not more than ten, to be appointed by the Mayor and City Council. At least one member of the committee shall have expertise or experience in the field of business finance or accounting. All committee members shall be resident taxpayers (registered voters) of the municipality. No member of the Project Review Committee shall be an elected or appointed municipal official, an employee of the municipality, an official or employee of any qualifying business receiving financial assistance under the economic development program, or an official or employee of any financial institution participating directly in the economic development program. The members of the Economic Development Committee would be eligible for the appointment to the Project Review Committee. The Project Review Committee will recommend to the Program Administrator that 1) the project be approved upon position verification of applicants information 2) the project be disapproved or 3) that the project be renegotiated and resubmitted for future consideration. The Program Administrator will accept and follow recommendation of the Project Review Committee. If disapproval or renegotiations is recommended, reasons will be cited.

The application process will be reviewed annually and updated as recommended by the Project Review Committee.

#### **SECTION X. Process Applicable Laws**

The process shall assure all applicable laws, regulations and requirements are met by the City and qualified business or industry. The process will include:

1. The Plan Administrator will be responsible for the procedures to insure that all applicable laws, regulations and requirements are met by the municipality and the qualifying businesses that receive assistance. These procedures will be subject to review and approved by the Project Review Committee.
2. The City of Bayard will direct the City Attorney to review all contracts, official documents, land transactions and other official actions related to the Economic Development Program to ensure compliance with existing law and to monitor changes in the law to ensure future compliance.
3. A Citizen Advisory Committee will be created to:
  - (a) Review the functioning and programs of the Economic Development Program at regular meetings and advise the City Council of the City of Bayard with regard to the programs, and
  - (b) Report to the City Council on its findings and suggestions at a public hearing called for that purpose. As least once in every six month period after the effective date of the Ordinance.

#### **SECTION XI. Purchase of Real Estate or Option to Purchase**

If and when land is to be purchased or optioned under the Economic Development Program, it should meet the following criteria:

1. Be properly zoned with no excessive easements, covenants, or other encumbrances, and
2. Should conform to the City's comprehensive plan, and
3. If program site is for a future or speculative business location, the administration may contact the Business Recruitment Division of the Nebraska Department of Economic Development for a review by the "Nebraska Site Evaluation Team" and use such review for the Bayard Mayor and City Council's decision. The proceeds from the administration and future sale of such land would be returned to the Economic Development Fund for re-use in any eligible program. The Mayor and City Council will determine when the loan shall be declared in default and what action shall be taken to deal with default to protect the interests of the qualifying businesses, third parties and the municipalities.

#### **SECTION XII. Audit Procedures**

The City shall provide for an annual, outside, independent audit of its economic development program by a qualified private auditing business. The auditing business shall not, at the time of the audit or for any period during the term subject to the audit, have any contractual or business relationship with any qualifying business receiving funds or assistance under the economic development program or any financial institution directly involved with a qualifying business receiving funds or assistance under the economic development program. The results of such audit shall be filed with the City Clerk and made available for public review during normal business hours.

#### **SECTION XIII. Methods of Ending Economic Development Program**

The registered voters of any city that has established an economic development program shall, at any time after one year following the original vote on the program, have the right to vote on the continuation of the economic development program. The question shall be submitted to the voters whenever

petitions calling for its submission, signed by registered voters of the city in number equal to at least twenty percent of the number of persons voting in the city at the last preceding general election, are presented to the governing body of the city.

Upon the receipt to the petitions, the governing body of the city shall submit the questions at a special election to be held not less than thirty days nor more than forty-five days after receipt of the petitions, except that if any other election is to be held in such city within ninety days of the receipt of the petitions, the governing body may provide for holding the election on the same day.

Notwithstanding the provisions of subsection of this section, if two-thirds of the members of the governing body of the city vote to repeal the ordinance establishing the economic development program within fifteen days of the receipt of the petitions for an election, the economic development program shall end and the election shall not be held.

The governing body shall give notice of the submission of the question of whether to continue the economic development program not more than twenty days nor less than ten days prior to the election by publication one time in one or more newspapers published in or having a general circulation in the city in which the question is to be submitted. Such notice shall be in addition to any other notice required by the election laws of the state.

The question on the ballot shall generally set out the basic terms and provisions of the economic development program as required for the initial submission. The question shall be: "Shall the City of Bayard continue its economic development program?"

A majority of the registered voters voting on the question at the election shall determine the question. The final vote shall be binding on the city, and the governing body of the city shall act within sixty days of the certification of the vote by the county clerk or the election commissioner to repeal the ordinance establishing the economic development program if a majority of the voters voting on the question vote to discontinue the program.

The repeal of the ordinance and the discontinuation of the economic development program shall be subject only to the provisions of any contracts related to the economic development program and the rights of any third parties arising from those contracts existing on the date of the election. Any funds collected by the city under the economic development program and unexpended for that program on the date of its repeal and any funds received by the city on account of the operation of the economic development program thereafter shall be deposited in the general fund of the city.

Section 2: All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

Section 3: This Ordinance shall be effective after its passage, approval and publication according to law.

PASSED AND APPROVED this 11th day of December, 2017.

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MAYOR

(SEAL)

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CLERK

Council member Ouderkirk moved for final passage of Ordinance #812. Council member Newhoff seconded the motion. Mayor Coolidge stated that it has been moved and seconded that Ordinance #812 be passed and adopted. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge. Mayor Coolidge stated the passage and adoption of Ordinance #812 has been concurred by a majority of all members elected to the Council and declared it passed, adopted and ordered it published.

Mayor Coolidge declared the Public Hearing on Ordinance # 811 open.

Public Hearing:

Clerk Heffron and City Attorney Kelly informed the Mayor and Council about the Planning Commissions' recommendation to implement a zoning overlay in certain areas within the City of Bayard to allow for sexually orientated businesses. City Clerk Heffron reiterated the fact that the City cannot prevent such businesses from establishing within the community however the City can restrict where such businesses may be established.

Public Comment: None.

Mayor Coolidge declared the Public Hearing on Ordinance # 811 closed.

Council member Edmunds called for the first reading of Ordinance #811.

City Clerk Heffron read the title of Ordinance #811.

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING CITY ZONING REGULATIONS; TO PROVIDE FOR REGULATIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Mike Olsen from MC Schaff provided a letter concerning the water treatment plant, Mr. Olsen was absent from meeting.

There was no electrical system update.

City Clerk Heffron inquired from the Council whether the City wanted to pursue the annexation as recommended by the Planning Commission. The Council directed city staff not to pursue any further action concerning the Planning Commissions' recommendation.

Council member Newhoff moved to renewing the Nebraska Rural Water Association membership.

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

Council member Deines moved to elect Scot Ouderkirk as President of the Council. Seconded by council member Edmunds. ROLL CALL: AYES: Edmunds, Newhoff, Deines, and Marquez. Abstain: Ouderkirk NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Newhoff moved to approve Western States Bank as the depository for the City of Bayard. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Deines, Newhoff, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge presented her appointment of Roberta Rummel as Interim City Treasurer effective 11/27/2017 at a pay rate of \$16.96/hr.

Council member Deines moved to the approve appointment Roberta Rummel as Interim City Treasure effective 11/27/2017 at a pay rate of \$16.96/hr. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge presented her appointment of Shelly Bowlin as City Treasurer effective January 2, 2018.

Council member Ouderkirk moved to approve appointment Shelly Bowlin as City Treasurer effective January 2, 2018. Seconded by council member Deines. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge made the following appointments: M.C. Schaff & Associates, City Engineer; Olsson & Associates, City Electrical Engineer; and Stan Tavenner, Trey Allen, Justin Dobrovolny as Police Officers.

Council member Ouderkirk moved to approve the Mayor's appointments. Seconded by Council member Marquez. ROLL CALL: AYES: Edmunds, Deines, Newhoff, Marquez and Ouderkirk. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge made the following appointments: Standing Committees: Real Estate Committee: Nate Edmunds and Janice Newhoff; Parks and Golf Committee: Gage Norman and Jim Deines; Street and Utilities Committee: Scot Ouderkirk and Nate Edmunds; Police Committee: Gage Norman and Jim Deines; Senior Center Committee: Scot Ouderkirk and Janice Newhoff; Budget and Finance/City Office Committee: Janice Newhoff and Gage Norman; Fire Department Committee: Nate Edmunds and Marty Marquez. Nursing Home Committee: Scot Ouderkirk and Marty Marquez. Planning Commission: Joe Romero. Board of Adjustment: Jerry Fast. LB 840 Committee: Tina Douglas, Joe Romero. Tree Board: Jeff Smith and Jennifer Tressler. Safety Committee: Mike Harmon, Jennifer Tressler and Jeff Smith. Community Redevelopment Authority: Michael Harmon and BeBe Shortall. Problem Resolution Team: Donna Bratt and Jennifer Tressler (Vice Chair).

Council member Edmunds moved to approve the aforementioned appointments to committees and boards. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge presented her appointment of Shelly Bowlin as LB840 Administrator.

Council member Edmunds moved to approve appointment Shelly Bowlin as LB840 Administrator. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Newhoff moved to appoint Shelly Bowlin as signer on the City bank accounts. Seconded by council member Deines. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge presented her appointment of Jennifer Tressler as alternate representative for the Panhandle Area Development District for the City of Bayard.

Council member Newhoff moved to appoint Jennifer Tressler as the alternate representative for the Panhandle Area Development District for the City of Bayard. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Newhoff moved to appoint Jennifer Tressler as signer on the City bank accounts. Seconded by council member Deines. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge presented her appointment of Jennifer Tressler as the alternate representative for the Western Nebraska Economic Development organization for the City of Bayard.

Council member Marquez moved to appointing Jennifer Tressler as the alternate representative for the Western Nebraska Economic Development organization for the City of Bayard. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge presented her appointment of Jennifer Tressler as the Title VI Coordinator for the City of Bayard.

Council member Ouderkirk moved to appointing Jennifer Tressler as the Title VI Coordinator for the City of Bayard. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Deines moved to remove Cheryl Eirich and Nate Heffron as signers on the city bank accounts effective 1/1/18. Seconded by council member Newhoff. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Council member Newhoff moved to approve the following resolution:

### **RESOLUTION #905**

#### ***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 is hereby directed to give written notice to the Municipal Energy Agency of Nebraska (MEAN) of the appointment of Jennifer Tressler 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 December 11<sup>h</sup>, 2017.

(SEAL)

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Nate Heffron  
City Clerk

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

Council member Newhoff moved to approve the following resolution:

### **RESOLUTION # 906**

#### ***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 Jennifer Tressler 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 December 11, 2017.

(SEAL)

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Nate Heffron  
City Clerk

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

Council member Edmunds moved to approve the following resolution:

**Resolution #907**

**Member Resolutions for Appointments**

Director and Alternate Director to MEAN Board of Directors

This is to certify that the City Council of the City of Bayard, State of Nebraska duly appointed Dan Coolidge to serve as director to represent the City of Bayard on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

This is to certify that the City Council of the City of Bayard, State of Nebraska duly appointed Jennifer Tressler to serve as alternate director to represent the City of Bayard on the Board of Directors of the Municipal Energy Agency of Nebraska. The appointment will run for a term of three (3) years with the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. (1987).

*This is to certify that the appointments set out above were approved by the City Council of the City of Bayard, State of Nebraska, at their meeting on December 11<sup>th</sup>, 2017.*

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City Clerk

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

Council member Newhoff moved to approve the following resolution:

**Resolution #908**

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 Jennifer Tressler 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 Shelly Bowlin as the City's alternate representative to said Board of Directors.

Dated this 11<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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

Council member Deines moved to approve the following resolution:

#### **Resolution #904**

**A RESOLUTION DESIGNATING JEFF WOLFE, AS THE STREET SUPERINTENDENT FOR THE CITY OF BAYARD, NEBRASKA FOR THE 2018 CALENDAR YEAR.**

WHEREAS, the City of Bayard, Nebraska is required under Nebraska State Statues to appoint a qualified street superintendent; and

WHEREAS, meeting said requirement is necessary under Nebraska State Statues to ensure the City receives State incentive payments for street maintenance; and

WHEREAS, Jeff Wolfe, an employee of M.C. Schaff & Associates, is a licensed Nebraska Class A Street Superintendent (License #S-1025) and has agreed to be the street superintendent for the City of Bayard, Nebraska for calendar year 2018.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA THAT the Mayor hereby appoints Jeff Wolfe, Nebraska Street Superintendent Class A License #S-1025, as the designated street superintendent for the City of Bayard, Nebraska, effective January 1, 2018.

PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF December, 2017.

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Mayor

ATTEST:

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Clerk

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

No action was taken on the purchase agreement with Morrill County concerning the acquisition of real estate. This item will be placed on next months agenda.

No action was taken on Ordinance #807. This item will be placed on next month's agenda.

Council member Newhoff moved to approve the following resolution:

**RESOLUTION #901**

RESOLUTION AUTHORIZING AND DIRECTING THE CHIEF ELECTED OFFICIAL AND THE SECRETARY/CLERK TO SIGN ALL DOCUMENTS AS MAY BE REQUIRED IN PROCESSING OR COMPLETING THE USDA, RURAL DEVELOPMENT COMMUNITY FACILITY LOAN/GRANT.

WHEREAS: the City of Bayard is in the process of applying for a USDA Rural Development Grant to fund a portion of the costs for the Senior Center improvements. WHEREAS: there are certain and various documents which require signatures of the Chief Elected Official and/or the Secretary/Clerk.

THEREFORE BE IT RESOLVED by the Board of Directors/Trustees of the City of Bayard that the Chief Elected Official and Secretary/Clerk are hereby Authorized to sign all documents as may be required in the processing or completing of the USDA, Rural Development Grant.

If the Chief Elected Official and/or Secretary/Clerk should change because of an election or other reasons during the processing of the USDA Rural Development/Rural Housing Service application, the Board of Directors/Trustees will not need to amend this resolution so the Chief Elected Official and Secretary/Clerk can sign any form(s) and security instrument(s) to finalize the USDA Rural Development/Rural Housing Service financial assistance.

This motion was introduced and adopted this 11<sup>th</sup> day of December, 2017, by the Board of Directors/Trustees of the City of Bayard.

(Applicant Name)

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Chief Elected Official

ATTEST:

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Secretary/Clerk

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

Council member Newhoff moved to approve the following resolution:

**RESOLUTION #900**

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

WHEREAS it is necessary to amend the City Personnel Manual provisions concerning meal reimbursement allowances; and

WHEREAS, the provision of the City Personnel Manual concerning meal reimbursement is hereby amended to provide as follows:

Page 42 of 63:

Subject: Travel Expenses, Use of Private Vehicles and City Vehicles, Use of City Cell Phones

**Meals** – Meal expense shall be allowed in the amounts as follows:

Breakfast - \$12.00  
Lunch - \$20.00  
Dinner - \$25.00

Non-permitted expenses are alcoholic beverages. Meal expenses shall only be paid for trips involving overnight travel away from the City of Bayard.

This Resolution shall become effective immediately.

A copy of this Resolution shall be provided to all City employees and shall be made a part of the City of Bayard Personnel Manual.

PASSED AND APPROVED this 11<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
Mayor

Attested by:

\_\_\_\_\_  
City Clerk

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

Council member Newhoff moved to enter into an agreement with the Aging Office of Western Nebraska for the 2018/2019 Nutrition Project. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Ouderkirk, Deines, Newhoff, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

City Clerk Nate Heffron tendered his resignation effective 1/11/2018 at 5:00pm. In addition he thanks the community, Mayor, and Council for placing their trust in him and for giving him his first professional job.

Mayor Coolidge commented on City Clerk Heffron resignation and thanked him and for all the work he has done along with council support which allowed for some plans the city has had for some time and put them into action. She stated that things would have taken twice as long without all the time and effort Heffron put into our community. That with Heffron's assistance the City's thoughts and visions came into motion.

Council member Edmunds moved to accept City Clerk Heffron's resignation effective 1/11/18 at 5:00pm. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Mayor Coolidge agreed to pay City Clerk Heffron 15% for moving expenses if he was able to postpone his resignation date in order to commence training. He will be able to stay for an additional two weeks.

Council member Newhoff moved to accept City Clerk Heffron's 15% moving expenses. Seconded by council member Ouderkirk. ROLL CALL: AYES: Edmunds, Newhoff, Deines, Ouderkirk, and Marquez. NAYS: None. Motion declared carried by Mayor Coolidge.

Public Comment:

Star Lehl commented on how she felt the Christmas lights downtown looked great and had great appeal when coming into town on the north side.

Council member Newhoff moved to adjourn at 8:47 P.M. Seconded by council member Marquez. ROLL CALL: AYES: Edmunds, Norman, Marquez, Ouderkirk, and Newhoff. NAYS: None. Motion declared carried by Mayor Coolidge.

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Mayor

ATTEST:

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City Clerk

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