

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers April 13, 2021 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 April 7, 2021. An agenda for the meeting was made available to the Mayor and each of the Council members prior to the meeting. Present were Mayor Schmall and council members; Scot Ouderkirk, Janice Newhoff, Sheila Henson, Diane Kraus, and Marty Marquez. Absent: Rick Valentine. 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 with a change to add resignation of Rick Valentine and Notice of Vacancy of Council for the remainder of his term. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESIGNATION OF COUNCIL MEMBER

Mayor Schmall informed council that he had received a letter of resignation from Rick Valentine effective immediately. Vacancy of Council will be published and a candidate will need to be appointed at the May meeting.

CHANGING LIGHTS AT CHIMNEY ROCK

Jennifer Kriha came to ask council if the lights at Chimney Rock can be changed to Green for the month of May for Children's Mental Health Awareness and to make this a yearly event. Council Member Marquez made a motion to approve the changing of lights at Chimney Rock. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

LARGE ANIMALS

Council member Newhoff moved to approve Emma (Linda) Safford – Tammy Lutz a Large Animal permit. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Kraus, Newhoff, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Marquez made a motion to approve Nate Edmunds and family a Large Animal permit. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

WAIVING OF FEES & SPECIAL EVENTS

Discussion was held on waiving vendor fees for the Heirloom Market Spring event being held May 29th. No motion was made.

Discussion was held on waiving vendor fees for the Community Wide Garage Sale event June 12th. No motion was made.

Council Member Kraus made a motion to approve having up to three (3) bounce houses at the Swimming Pool Park during Community Garage Sale Day. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to approve closure of 3rd Street from Main to Avenue A for Car Show during Community Garage Sale Day. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

SDL LICENSE

Council member Kraus moved to approve Chimney Rock Pioneer Days Committee obtaining SDL License for July 17th Sharon Hoffman Memorial Celebration. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Ouderkirk, Newhoff, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Henson moved to approve Chimney Rock Pioneer Days Committee obtaining SDL License for Pioneer Days September 10 - 12. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Ouderkirk, Newhoff, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

DEPARTMENT HEAD MONTHLY REPORTS

Utility Superintendent Coolidge, Library Director Henkel and Police Chief Douglass were present available for questions.

- **UTILITY REPORT** – Bladed all dirt Streets, Swept Main Street, Installed new water & electric lines, Took water samples, Removed snow plow and sand spreader, Changing out electric meters, and Removed snow from streets.
- **PARK REPORT** –Jeff Smith is back with a few restrictions. Office staff has been looking at some grant possibilities.
- **POLICE REPORT** – 37 assist the public; 22 assist other agencies; 2 accident investigations; 4 citation violation; 9 warning violation; 10 complaints; 5 investigations.
- **LIBRARY REPORT** – There were 748 books checked out, the computer was used 38 times, 104 books checked out through overdrive, New lights were installed, ceiling tiles ordered; carpet scheduled to be installed in May; waiting for E-Rate funding for fiber install.
- **OFFICE REPORT** – Clerk School for both Renne & Shelly, PRT, Tree Board, NPZA and Real Estate Committee Meetings, on-going garbage issues, monthly reports, bank recons, Payroll, Website additions; Ongoing EPA assessments and grant work and personnel manual.
- **BAYARD FIRE DEPT REPORT** – Chiefs Report: 1 Structure fire, 1 wildland Fire, 1 Gas; 3 Calls, 9 People, 32 Man hours; Rescue Report: 4 Transports to RWMC, 1 Fire Stand-by, 3 Valley Transports, 1 Lift assist – 9 Calls, 92.3 Miles with patient, 214.5 miles without patient, 11.5 hours in service; Training Report: Grass Rigs – Hops & Drafting – 11 people 4-man hours.

2019-2020 AUDIT

Council member Newhoff moved to approve the final 2019/2020 City Audit as presented. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Newhoff, Kraus, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

APPROVAL OF BILLS

Council member Newhoff moved to approve all city bills and claims as presented. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, Marquez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall. Action Communication \$14,020.54, Advancing Technology \$487.50, AFLAC \$1,098.78, Airgas \$119.24, AST \$49.90, Bayard Automotive \$72.48, Tiger Paws \$988.05, Best Plumbing \$230.00, Black Hills Energy \$2,326.15, Blue to Gold Law Enforcement \$97.00, Bound Tree \$4,708.74, Capital Business Systems \$307.32, Centurylink \$129.50, Charter \$885.63, Child Support of WY \$447.21, Chimney Rock PPD \$139.95, City of Gering \$11,522.50, Gene Claver \$4,177.84, Connecting Point \$61.43, Cozad Signs \$1,875.00, Culligan \$121.00, Dollar General \$27.00, Douglas Kelly Ostdiek \$1,054.75, Dutton-Lainson Co \$5,388.90, Enviro Service \$40.00, Galls \$200.06, General Consolidated \$301.16; Great America \$235.00, Hawkins \$1,218.97, Holiday Inn \$329.85, Ideal Linen \$207.29, Ingram \$864.06, Jon's Body Shop \$2,548.79, KSO \$19,936.00, Kuskie Oil Co. \$1,002.56, Lincoln Nat Life \$102.76, Menards \$767.00, Midwest Salt \$4,772.37, Kelly Montano \$5.26 Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, Morrill Co Treasurer \$2,754.94, MEAN \$31,141.40, Nat Gen Benefits \$18,690.22, NE Child support \$1,904.58, NE Dept of Health & Human Services \$40.00, NMPP \$820.61, NPPD \$49.50, NE Total Office \$48.19, Nippon Life Benefits \$919.50, Northwest Pipe \$266.53, NPZA \$20.00, One America \$2,591.45, One Call Concepts \$12.28, Stephanie Perkins \$461.85, Postmaster \$252.00, Quadient \$1455.00, Regional West \$224.00, Rocky Mountain Air \$456.70, Jon Royle \$43.58, Scb Co Bldg & Zoning \$38.00, Stryker \$14,752.94, Staples \$217.24, Marjorie Stephenson \$100.00, Transcript \$959.93, US Bank \$1,129.32, Valley Ambulance \$375.00, Viaero Wireless \$319.66, Western States Bank \$240.00, Wyoming First Aid \$64.03, YMCA \$175.00, Payroll \$45,211.73. **Total =\$210,222.92.**

CHIMNEY ROCK VILLA

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

Council member Henson moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$230,276.21. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Marquez moved to approve City Clerk/Treasurer Bowlin as an additional signer on Chimney Rock Villa general checking account. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

CONSENT AGENDA

Council member Newhoff moved to approve the consent agenda which included minutes from March 9th meeting; Treasurer's reports, operational budget and Fire Department Minutes & Roster. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

MOSQUITO SPRAY

Council Member Henson made a motion to approve the purchase of mosquito spray in the amount of \$29.75 per gallon. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

CHRISTMAS LIGHTS

Council Member Newhoff made a motion to approve the purchase of new Christmas lights presented in the amount of \$13,686.75. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

FREE DUMP & PET VACCINATION DAY

Council Member Newhoff made a motion to approve holding free dump and pet vaccination clinic on April 24th. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

SWIMMING POOL RATES

Council Member Kraus made a motion to approve 2021 Pool Rates as presented. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Ouderkirk, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

PUBLIC HEARING & RESOLUTION 991

Mayor Schmall opened the public hearing at 8:23 pm on adopting the 2018 International Building Code and 2018 International Residential Code. No Public comments made. Mayor Schmall closed the public hearing at 8:24 pm.

Council Member Newhoff moved to approve Resolution 991. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 991

WHEREAS, The City Council of Bayard recognizes the requirement of certain Building and other Model Codes, pursuant to Nebraska Statute, Chapter 71, Section 71-6406 (LB 227, § 2, 2019), And,

WHEREAS, this Council has held a public meeting thereon, as required by law,

THEREFORE, BE IT RESOLVED, By the City Council of Bayard, Morrill County, Nebraska, that the following Building Codes be adopted and are in full effect at the time of this passage:

1. As to that portion of the City of Bayard within the corporate limits and those unincorporated areas where the City of Bayard has been granted and is exercising zoning administration, as provided by law:
 - A. The 2018 International Building Code (IBC), published by the International Code Council;
 - B. The 2018 International Residential Code (IRC), except section R313, published

- by the International Code Council;
- C. Exceptions to the aforementioned codes described above may be granted when designed and approved by an authorized Engineer and/or Architect licensed by the State of Nebraska.
 2. Where the Nebraska Unicameral has passed legislation of building requirements separate from the International Code Council, precedence shall be given to the authorized statute.
 3. The code, above described, shall be published in accordance to Nebraska Statute, Chapter 71, Section 71-6406 (LB 227, § 2, 2019), and also be kept current in the office of the Bayard City Clerk.

RESOLUTION 992

Council Member Ouderkirk moved to approve Resolution 992. Seconded by council member Henson. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION #992

A Resolution of the City Council of the City of Bayard establishing permit, license, and related fees.

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

The following schedule of fees is hereby adopted by the City of Bayard and shall be effective beginning April 13, 2021.

Accident Reports	\$5.00	
ATV Registration	\$15.00	
Building Permits	\$20.00 plus inspector fees	
Copy Fee	\$.25	per page
Dog tags	\$15.00 per year	Spade or neutered
	\$20.00 per year	Not spade or neutered
Dump Disposal Fee	\$25.00	pick-up load; or
	\$5.00	per individual item; or
	\$50.00-\$100.00	per dump-truck load or trailer
Fax Fee - Out	\$5.00	for the first 3 pages
	\$1.00	pages 4 and after
In	\$.50	for the first page
	\$.25	for each page there after
Mowing Lots	\$200.00 per lot/parcel number the first time	
	\$300.00 each there after	
Meter Deposits	\$100.00	own – residential or business
	\$250.00	rent – residential or business
	\$25.00-\$100.00	additional deposit –requested if shut Off more than once.
\$10.00		per pole (i.e. Charter Comm.)
Reconnect Fees	\$10.00	reconnect fee (requested shut-off)
	\$50.00	reconnect fee (during hours)
	\$125.00	reconnect fee (after hours)
Selling Permit	\$50.00	annually (i.e. Cash-wa, Mountain Man)
\$10.00	per day (i.e. door-to-door salesman, tree seller down at Tiger Paws)	
	\$50.00	fireworks

Tire Disposal Fee	\$6.00	Car Tire
	\$11.00	Truck Tire
	\$21.00	Tractor Tire
	\$31.00	Loader Tire

RESOLUTION 993

Council Member Newhoff moved to approve Resolution 993. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION #993

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

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

- a) 296’IN NE Corner of Lot 2 Block 2, Mason’s Subdivision (Front of Yard), Bayard, Morrill County, Nebraska;

and

WHEREAS, it is in the best interest of the City to sell this surplus property; 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 at the May 11, 2021 council meeting, to Kirk & Katherine Deal, in the amount of \$5.00.
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, the parties shall consummate the sale.
5. Confirmation of the sale will be completed by passage of an ordinance after the Notice time has expired.

ORDINANCE 847

Council Member Newhoff made a motion for final passage of Ordinance #847. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Marquez, Ouderkirk, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

ORDINANCE #847

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTIONS 71.01, 71.02, 71.03, 71.04, 71.05, AND 71.20 OF THE CITY CODE OF ORDINANCES CONCERNING TRAFFIC CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

ELECTRICAL ENGINEER

Council Member Marquez made a motion to approve Mayor Schmall’s appointment of Exponential Engineering Company as City Electrical Engineer. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Ouderkirk, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

PUBLIC COMMENT

Superintendent Travis Miller was presented, he told council the school was interested in putting up banners for seniors on Main Street again this year; he thanked the police for working with the school on their emergency operations plans. He went on to say that Community Cleanup is May 14th and kids will be helping with the Library and other areas around town to clean up. Lastly, he wanted to ask council to consider putting one or possibly two more stop signs on the corner of 7th Street & 2nd Avenue. City Clerk/Treasurer Bowlin read an apology from Mrs. Johnston about a comment she had mentioned earlier. Mayor Schmall gave council some legislative updates, he stated the FFA will have an Open House May 7th at 1 PM; and finally, that he would like to have council tour city facilities before the council meeting, starting in May with the Utilities Building.

ADJOURNMENT

Council member Henson moved to adjourn at 8:40 P.M. Seconded by council member Newhoff. ROLL CALL: AYES: Newhoff, Kraus, Ouderkirk, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall
Mayor

S Bowlin
City Clerk/Treasurer