

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a rescheduled special session in the Council Chambers December 22, 2022 at 6:00 P.M. City of Bayard 445 Main Street, Bayard, Nebraska, 69334. Notice of the meeting having been posted in three (3) places in town (City office, Post office and FNBO). 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; Sheila Henson, Diane Kraus, Jamie Hernandez, Marty Marquez Janice Newhoff, and Scot Ouderkirk. Absent: None. There being a quorum of council members present, Mayor Schmall called the meeting to order at 6:00 P.M. The Pledge of Allegiance was recited and Mayor Schmall offered a prayer. 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.

RESIGNATION OF COUNCIL

Council member Marquez made a motion to approve the resignation of Scot Ouderkirk from his council position. Seconded by council member Henson. ROLL CALL: AYES: Henson, Kraus, Marquez, Newhoff, and Hernandez. NAYS: None. ABSTAIN: Ouderkirk. Motion declared carried by Mayor Schmall and vacancy in council was noted.

NEWLY ELECTED COUNCIL

City Clerk Bowlin read the certified election results; Scot Ouderkirk Mayor; Chris Baird and Jamie Hernandez Council Members.

New council members Chris Baird, and Jamie Hernandez read their oaths; newly appointed Mayor Scot Ouderkirk read his oath. All new members took their seats at the council table.

Mayor Scot Ouderkirk presented Mayor Schmall and Council Member Newhoff with an award and thanked them for the dedication to the city. He also presented the past council an award from the girls' softball team that the school had made.

Roll call of the new council was taken at 6:11 PM. Present were Mayor Ouderkirk and council members; Sheila Henson, Diane Kraus, Jamie Hernandez, Marty Marquez, and Chris Baird. Absent: None. There being a quorum of council members present, Mayor Ouderkirk presided over the rest of the meeting.

APPROVAL OF AGENDA

Council member Henson made a motion to approve the agenda. Seconded by council member Baird. ROLL CALL: AYES: Henson, Kraus, Marquez, Baird, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

PUBLIC HEARING

Mayor Ouderkirk opened the Public Hearing for CDBG grant application for grocery store at 6:12 PM. Bryan Venable with PADD explained the grant to council and answered questions. Mayor Ouderkirk closed the public hearing at 6:23 PM. Council member Baird moved to approve Mayor Ouderkirk becoming signer on grant application and documents. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Baird, Hernandez, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

DAM ASSESSMENT

Council member Hernandez moved to approve submitting letter of sponsor for funding to have Wildhorse Dams assessed. Seconded by council member Marquez. ROLL CALL: AYES: Kraus, Baird, Hernandez, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

NINE MILE IRRIGATION

Discussion was held about the agreement with Nine Mile Irrigation with no action taking place at this time.

COUNCIL PRESIDENT

Council member Henson moved to appoint Marty Marquez as council president. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Baird, Hernandez, and Henson. NAYS: None. ABSTAIN: Marquez. Motion declared carried by Mayor Ouderkirk.

BANK SIGNATURES

Council member Kraus moved to approve Mayor Ouderkirk and Council President Marquez to become signers on bank accounts. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Baird, Hernandez, and Henson. NAYS: None. ABSTAIN: Marquez. Motion declared carried by Mayor Ouderkirk.

APPOINTMENTS

Council member Baird moved to approve the following appointments for the term of the Mayor: Samantha Clause as Chimney Rock Villa Director, Val Kienzle as Chimney Rock Villa Treasurer, Shelly Bowlin as Chimney Rock Villa Deputy Treasurer, Douglas, Kelly, Ostdiek et al as City Attorney. Shelly Bowlin as City Clerk/Treasurer, Dan Coolidge as Utility Superintendent, Jeff Smith as Grounds/Parks Superintendent, Zak Douglass as Chief of Police. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Baird, Hernandez, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Marquez moved to approve the following yearly appointments: MC Schaff as City Engineer, Exponential Engineering as City Electrical Engineer, Jeff Wolfe as Street Superintendent, and Stan Tavenner and Jason Perkins as Police Officers. Seconded by council member Baird. ROLL CALL: AYES: Kraus, Baird, Hernandez, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Henson moved to approve the following Board appointments: Lisa Ouderkirk and move Gage Norman to Alternate onto Planning Commission, Judy White and Linda Safford reappointed to Library Board, Grounds Superintendent, City Clerk, Police Chief, Utility Superintendent, Fire Chief and Rescue Chief onto Safety Committee, Michelle Coolidge onto Problem Resolution Team. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Baird, Hernandez, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Marquez moved to approve the following appointments for city council committees: Diane Kraus & Jamie Hernandez onto Real Estate/Senior Center committee, Diane Kraus & Chris Baird onto Nursing Home committee, Marty Marquez & Sheila Henson onto Fire/Police Committee, Jamie Hernandez and TBD onto Budget/Finance/Office committee, Marty Marquez & Chris Baird onto Utility/Street committee, Sheila Henson & TBD onto Grounds/Parks committee. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Baird, Hernandez, Marquez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

CITY BILLS & CLAIMS

Council member Henson moved to approve all city bills and claims in the amount of \$184,653.18. Seconded by council member Baird. ROLL CALL: AYES: Kraus, Henson, Baird, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk. A&A Porta-Potties \$150.00, Action Communication \$2,070.64, Advancing Technologies \$13,453.67, AFLAC \$2,191.84, Airgas \$91.13, AST \$53.90, Allied Benefits \$9,510.48, ASCAP \$390.00, AT&T Mobility \$339.22, Bayard Automotive \$274.37, Bayard Tiger Club \$5,548.37, Benzel Pest Control \$175.00, Black Hills Energy \$1,714.46, Blue 360 \$266.91, Bluffs Facility Solutions \$74.64, Bound Tree \$725.20, Budge-It Drain \$900.00, Capital Business \$121.19, Cengage Learning \$195.00, CenturyLink \$58.77, Charter \$1,341.44, Child Support of WY \$149.07, Chimney Rock PPD \$266.65, City of Gering \$11,650.82, Connecting Point \$100.56, Credit Mgmt \$78.61, Culligan \$162.00, Demco \$219.29, Dollar General \$45.10, Douglas Kelly Ostdiek \$1,357.25, Enviro Service \$50.00, FNBO \$176.53, Food Network \$39.99, Ford Motor \$9,525.23, Fox Insurance \$995.00, Fyr-Tek \$2,632.31, Galls \$328.09, General Consolidated \$124.09, Great America \$235.00, Ideal Linen \$211.17, Ingram \$1,558.80, IIMC \$185.00, John Hancock \$1,903.82, Jon's Body Shop \$4,203.52, Kuskie \$2,450.26, Lincoln National \$121.99, Matt McLaughlin \$27.68, Menards \$290.74, Midwest Connect \$595.00, Morrill Co Attorney \$150.00, Morrill Co Hospital \$175.00, Morrill Co Sheriff \$1,000.00, MEAN \$31,813.95, NE Child Support \$808.63, NDEE \$10,182.14, NE Public Health \$16.00, NRWA \$175.00, Neb Total Office \$5.95, Nippon \$671.41, OPTK \$30.00, Panhandle Clerks Assoc \$20.00, Panhandle Coop \$921.20, Police Chiefs Assoc \$60.00, Rocky Mountain Air \$155.22, Rodriguez Fencing \$1,600.00, Sandberg \$370.95, SCB Building & Zoning \$34.00, Shortline Irrigation \$1,560.00, Slate Rock \$1,384.53, Staples \$71.98, US Bank \$1,814.70, Viaero Wireless \$27.23, Western States Bank \$176.53, Payroll \$51,734.73.

CHIMNEY ROCK VILLA

Council member Henson moved to approve the Chimney Rock Villa Bills & Claims as presented in the amount of \$333,253.73. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Henson, Baird, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports.

- **UTILITY REPORT** – Removed snow, swept streets, hauled dirt off ditch bank, meter orders, fixed street lights, hung Christmas lights.
- **POLICE REPORT** – 59 Assist the public, 17 assist other agencies, 2 accident investigations, 3 citation violations, 14 warning violations, 15 complaints, 5 investigations.
- **LIBRARY REPORT** – There were 552 books checked out in the month of November, the computer was used 24 times, 145 books checked out through overdrive; applying for \$1,000 book grant; received a donation from Alzheimer’s foundation.
- **OFFICE REPORT** – Monthly reports, payroll, Meetings, working with Auditors for adjustments, prep for year end.
- **FIRE DEPARTMENT – Chief’s Report – October** – 1 mutual aid gas leak, 1 mutual aid vehicle fire, 1 canceled call. **Rescue Report** – 19 Calls; 7 Transported by Bayard; 5 Transported by Bayard w/ tier; 1 Transported by Valley- 10 Refusals, 1 Fire Stand-by; Time in service – 28 hours 18 mins Miles with pt 255.6 - total 566.2. **Training Report** –Structure Fire training in burn box.

CONSENT AGENDA

Council member Kraus moved to approve the consent agenda which included minutes from November 8th meeting; Treasurer’s reports, operational budget, and fire department minutes & roster. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Baird, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

RESOLUTION #1017

Council member Marquez moved to approve Resolution #1017 signing of Year-End certification of Street Superintendent. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Baird, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

COUNTY ATTORNEY

Discussion was held with no action being taken on agreement with County Attorney Kirk Fellhoelter. An agreement will be added to January meeting for Ordinance prosecution.

POLICE DEPARTMENT

Council member Baird moved to approve purchase of Dodge pickup for police. Seconded by council member Marquez. ROLL CALL: AYES: Kraus, Baird, Marquez, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Kraus moved to approve the purchase of two (2) new tasers for police. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Baird, Marquez, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

FIRE & RESCUE DEPARTMENT

Council member Hernandez moved to purchase of two (2) new iPads for use on Ambulances. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Baird, Marquez, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

EMPLOYEE RECOGNITION

Council member Baird moved to approve holding employee recognition dinner at American Legion on December 17th at 6 PM. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Baird, Marquez, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

WESTERN SUGAR

Council member Baird moved to approve credit to Wester Sugar account in the amount of \$8,134.47 for overpayment. Seconded by council member Henson. ROLL CALL: AYES: Kraus,

Baird, Marquez, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

PUBLIC COMMENT

None.

ADJOURNMENT

Council member Henson moved to adjourn at 7:56 P.M. Seconded by council member Baird.

ROLL CALL: AYES: Henson, Kraus, Baird, Marquez, and Hernandez. NAYS: None. Motion declared adjourned by Mayor Ouderkirk.

S Ouderkirk.

Mayor

S Bowlin

City Clerk/Treasurer