

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers July 12, 2022 at 7:00 P.M. 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 July 6, 2022. 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; Janice Newhoff, Sheila Henson, Diane Kraus, and Scot Ouderkirk. Absent: Jamie Hernandez and Marty Marquez. There being a quorum of council members present, Mayor Schmall called the meeting to order at 7:00 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.

### **APPROVAL OF AGENDA**

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

### **ORDINANCE #865 - SALE OF PROPERTY**

Council member Newhoff moved to waive the three readings for Ordinance #865. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Kraus, Newhoff, and Ouderkirk. NAYS: None. Motion declared waived by Mayor Schmall.

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA APPROVING THE SALE AND TRANSFER OF LOT 12, BLOCK 2, SOUTH BAYARD, BAYARD; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

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

Section 1: The City of Bayard owns Lot 12, Block 2, South Bayard, Bayard, Morrill County, Nebraska. The City has determined that the premises are excess property providing no benefit to the City and that sale of the property would be in the best interest of the City because it would return the property to the tax roll.

Section 2: Pursuant to Nebr. Rev. Stat. §17-503.01, the City may sell property with a value of less than \$5,000.00 by Resolution.

Section 3: At the Council meeting on June 28, 2022, the City adopted a Resolution calling for the sale of the property to Jared Dudden and Christopher Dudden for \$1,000.00.

Section 4: The City and Buyer have entered into an agreement for the sale and purchase of the property.

Section 5: The sale and purchase of the property has been determined to be in the best interest of the City and the sale of the property is hereby approved and ratified.

Section 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed.

Section 7: This Ordinance shall be effective after its passage, approval and publication according to law.

Council member Newhoff moved to approve Ordinance #865. Seconded by council member Henson. ROLL CALL: AYES: Henson, Kraus, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried, approved and adopted by Mayor Schmall.

### **CITY BILLS & CLAIMS**

Council member Henson moved to approve all city bills and claims in the amount of \$147,601.68. Seconded by council member Newhoff. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall. A&A Port-a-Potties \$300.00, Action Communication \$34.00, Advancing Technologies \$150.00, AFLAC \$1,122.96, AirGas \$13.84, AST \$53.90, Allied Benefits \$9510.48, James Asay \$11.96, Bayard Automotive \$25.78, Black Hills Energy \$2,493.16, Bluffs Sanitary \$451.97, Border States \$1,245.69 Bound Tree \$14.98, Marie Brown \$1.75, Capital Business System \$270.52, Carr-Trumbull Lumber \$214.35, CenturyLink \$58.27, Charter \$1,634.65, Child Support of WY \$298.14, Chimney Rock PPD \$135.95, City of Gering \$11,809.74, Gene Claver \$3,891.61, Connecting Point \$132.12, Credit Management \$318.52, Culligan \$131.50, Dollar General \$203.52, Douglas, Kelly, Ostdiek \$1,433.25, Enviro Service \$50.00, FES \$\$2,400.00, Fremont Motors \$46.95, General Consolidated \$636.44, Great America \$235.00, Hawkins \$2,010.71, KC Heath \$200.00, Heiman \$104.93, Independent Plumbing \$422.01, Ideal Linen \$248.09, Ingram \$699.69, John Deere \$69.72, John Hancock \$1,762.18, Kuskie \$4,663.78, Lincoln National \$129.76, Logoz \$237.00, MC Schaff \$7,776.85, Menards \$1,697.99, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, Morrill Co Treasurer \$714.79, Municipal Supply \$4,395.12, NE Child Support \$1,144.64, NE Power Review Board \$155.11, Nippon Life \$1,433.20, NMC \$328.32, NW Pipe \$363.93, NWRA \$105.00, One Call Concepts \$31.34, OPTK \$645.00, Prevention \$48.00, Print Works \$141.70, Quadiant \$,1320.00, Reganis \$9,770.31, Rocky Mountain Air \$357.75, Sandberg \$323.99, Sargent Drilling \$517.59, Scotts Bluff Building & Zoning \$140.00, Lidia Serda \$161.81, Simmons Olsen \$71.00, Simplot \$1,896.25, Street Cop \$225.00, Transcript \$304.95, US Bank \$2,047.18, Vera's Auto \$25.00, Viaero Wireless \$345.06, Westco \$815.78, Western States Bank \$353.06, Payroll \$58,917.09.

### **CHIMNEY ROCK VILLA**

Council member Henson moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$277,357.40 as presented. Seconded by council member Ouderkirk. ROLL CALL:

AYES: Kraus, Henson, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

## DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports.

- **UTILITY REPORT** – trimmed trees; bladed streets & allies; swept streets; fixed electrical outages; meter orders; fixed issues at pool; 5<sup>th</sup> Street repair update.
- **PARK REPORT** – replacing vales at pool parks to make the sprinklers automatic; reworked sprinkler system at Genoway’s Hall it is now 100% automatic; still have two more valves to replace at Legion Field to make it completely automatic; mowing; spraying; and watering.
- **POLICE REPORT** – 41 Assist the public, 24 assist other agencies, 1 accident investigations, 1 citation violations, 5 warning violations, 19 complaints, 8 investigations.
- **LIBRARY REPORT** – There were 737 books checked out in the month of June, the computer was used 25 times, 235 books checked out through overdrive; still looking for options for digitizing microfilm; attended webinar about library accreditation.
- **OFFICE REPORT** – Monthly reports, payroll, Meetings, budget preparations; went to finance conference.
- **FIRE DEPARTMENT – Chief’s Report** - 4 Grass Fires; 1 car; 3 MVA’s. **Rescue Report** –5 Transports to RWMC; 2 tiered with Valley; 2 transports by AirLink; 1 refusal; 2 transported by Valley; 1 cancelled. 12 Calls – 12 patient contacts; 991-156.7 miles w/ patient; 260.4 total miles; 992-0 miles w/ patient;0 total miles. 991-13 hours 15 minutes in service; 992-0 hour 0 minutes. CPR 3 hours, 4 people; HIPPA 1 Hr 18 people. **Training Report** –Computer training – None; field training cancelled – 3 people.

## CONSENT AGENDA

Council member Newhoff moved to approve the consent agenda which included minutes from June 14<sup>th</sup> regular meeting, June 28<sup>th</sup> Special Budget meeting; Treasurer’s reports, fire department minutes & roster, and operational budget. Seconded by council member Ouderkirk. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

## RESOLUTION 1009

Council member Henson moved to approve Resolution #1009 charges for RV sites. Seconded by council member Ouderkirk. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

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 8 nights shall be charged at the rate of \$25.00 per night.
3. The maximum stay will be limited to 10 consecutive days.
4. Leaving an RV spot or moving from one spot to another will not reset the daily fee.
5. 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.

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

### **RESOLUTION 1010**

Council member Newhoff moved to approve Resolution #1010 LARM renewal. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Ouderkirk.

NAYS: None. Motion declared carried by Mayor Schmall.

WHEREAS, The City of Bayard is a member of the League Association of Risk Management (LARM);  
WHEREAS, section 8.10 of the interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of Bayard Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2025. **(180 day and 3-year commitment; 5% discount)**

### **ORDINANCE 863**

City Clerk/Treasurer Bowlin read the title of Ordinance 863.

### **PUBLIC COMMENT**

Chris Baird asked about having the city dump manned during times it is open. Also asked if council had heard of the ditch through town was going to be moved; there would be power poles that would need to be relocated if this was to happen. Council has not heard any other information on this.

### **ADJOURNMENT**

Council member Newhoff moved to adjourn at 7:57 P.M. Seconded by council member Henson. ROLL CALL: AYES: Henson, Kraus, Newhoff, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall

Mayor

S Bowlin

City Clerk/Treasurer