

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers March 8, 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 March 2, 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; Marty Marquez, Sheila Henson, Diane Kraus, Janice Newhoff and Jamie Hernandez. Absent: Scot Ouderkirk. 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, Hernandez, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

### **ORDINANCE #861**

Tate and Kelly Rice were present and talked about the purchase of the property, how they would like to split the property into three lots. Their intentions are to sell two of the lots to others. They have had the land surveyed and had gone to planning commission who has approved the changes.

Council Member Newhoff made a motion to waive the three readings of Ordinance #861. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Hernandez, Marquez, and Kraus. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Newhoff made a motion for final passage of Ordinance #861. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Hernandez, Marquez, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

### **ORDINANCE #861**

AN ORDINANCE OF THE CITY OF BAYARD APPROVING THE FINAL PLAT OF LOTS 1-3, RICE ADDITION, TO THE CITY OF BAYARD NEBRASKA, BEING A REPLAT OF PART OF TAX LOT 29, IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 52 WEST IF THE 6<sup>TH</sup> P.M., MORRILL COUNTY NEBRASKA; 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 Final Plat of LOTS 1-3, RICE ADDITION, TO THE CITY OF BAYARD NEBRASKA, BEING A REPLAT OF PART OF TAX LOT 29, IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 52 WEST IF THE 6<sup>TH</sup> P.M., MORRILL COUNTY NEBRASKA, is hereby approved by the Mayor and City Council of the City of Bayard, Nebraska.

Section 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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

## **BAYARD ORGANIZED BASEBALL**

Brooks Batt spoke to council about the needs for the new year of Bayard Organized Baseball. They came requesting \$3,000 for insurance, and more updated equipment. Council member Kraus made a motion to approve the request for the \$3,000 from Keno funds. Seconded by council member Newhoff. AYES: Kraus, Hernandez, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **ORDINANCE #860**

Shane & Ashley Harimon came to council to discuss Diagonal parking on the 600 block of Avenue A and Ordinance #860 that was passed at the February meeting. After discussion with the Chief of Police and council, more traffic studies are going to take place.

## **5<sup>th</sup> STREET REPAIRS**

Adam Vath with MC Schaff was present to talk about the quote that was sent to repair the water main and street on 5<sup>th</sup> Street next to the city office. Council member Newhoff made a motion to approve moving forward with plans being drawn for this project. Seconded by Council member Henson. AYES: Kraus, Hernandez, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **SPECIAL DESIGNATED LICENSE**

Council member Henson moved to approve an SDL for the Bayard Volunteer Fire Department Annual Stag Feed for April 1 to April 3. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Henson, Hernandez, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **RESOLUTION 1004**

Council member Henson made a motion to approve bid received from Jose Rodriguez in the amount of \$5,900.00 for the 2006 Chevy Utility pickup. Seconded by council member Newhoff. AYES: Kraus, Hernandez, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Henson made a motion to approve bid received from Jose Rodriguez in the amount of \$2,900.00 for the 2000 Chevrolet 2500 <sup>3</sup>/<sub>4</sub> ton pickup. Seconded by council member Newhoff. AYES: Kraus, Hernandez, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Kraus made a motion to approve bid received from Jose Rodriguez in the amount of \$400.00 for the 2001 Toro 328D Ground Master Mower. Seconded by council member Newhoff. AYES: Kraus, Hernandez, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Hernandez made a motion to approve bid received from Roberta Rummel in the amount of \$501.00 for the John Deere F932 Mower with Snow Plow. Seconded by council member Newhoff. AYES: Kraus, Hernandez, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **FERAL CAT PROBLEMS**

Laura Warner, and Chris and Ashley Hoadley were present to talk to council about the feral cats that are running around their neighborhood, they talked about a lot of people in their area feeding cats outside, these cats are then getting into their houses, and destroying property. They came asking if there was anything that the city could do to curb some of this. Council member Hernandez had checked into items at the Humane Society, but they do not take feral cats. Pet owners are only allowed to have 3 animals in city limits; the city will be looking into passing ordinance for individuals who feed cats outside.

## **APPROVAL OF BILLS**

Council member Newhoff moved to approve all city bills and claims in the amount of \$163,448.40. Seconded by council member Henson. ROLL CALL: AYES: Hernandez, Kraus, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Action Communication \$237.12, Advancing Technologies \$192.50, AFLAC \$1,093.92, AirGas \$19.72, AST \$49.90, Allied Benefits \$11,499.78, Bayard Automotive \$202.52, Benzel Pest Control \$89.68, Best Plumbing \$2,695.38, Border States \$1,244.46, Bound Tree \$961.37, Cheri Burton \$42.79, Capital Business Systems \$112.90, CenturyLink \$131.72, Charter \$955.85, Child Support of WY \$298.14, City of Gering \$11,581.89, Connecting Point \$150.08, Credit Management \$333.79, Criminal Addiction \$300.00, Crosby Guenzel \$546.00, Culligan \$80.00, Diabetes Magazine \$14.97, Douglas, Kelly, Ostdiek \$1,218.75, Enviro Service \$25.00, Flagship Publishing \$1,800.00, FluentIMS \$1,100.00, Fyr-Tek \$700.30, Galls \$91.63, General Consolidated \$562.29, Great America \$578.19, Ideal Linen \$187.14, Ingram \$717.79, KSO \$21,624.91, Kuskie \$976.20, LARM \$292.91, League \$377.00, Lincoln Nat. Life \$129.76, MEAN \$35,143.68, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, Murphy Tractor \$64.16, NE Child support \$1,144.64, NDEE \$40.00, NE Public Health \$480.00, NE Rural Water \$395.00, NW Pipe \$734.65, Rick & Jama Oenning \$36.03, John Hancock \$1,768.38, OPTK \$150.00, Print Works \$187.25, Quadient \$600.00, Rocky Mountain Air \$292.22, Simmons Olsen Law \$717.50, SparqData \$3,100.00, Staples \$33.99, Lloyd Steele \$58.89, Transcript \$221.95, US Bank \$2,075.07, USPS \$268.00, Viaero Wireless \$317.54, Western States Bank \$353.06, Payroll \$49,570.87.

## **CHIMNEY ROCK VILLA**

Council member Kraus moved to accept the resignation of Lisa McDermed effective immediately. Seconded by council member Henson. ROLL CALL: AYES: Hernandez, Kraus, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Kraus moved to appoint Jessika Mitchell as Interim Administrator of Chimney Rock Villa effective immediately. Seconded by council member Henson. ROLL CALL: AYES: Hernandez, Kraus, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Henson moved to make Jessika Mitchell a signer on all Chimney Rock Villa bank accounts and remove Lisa McDermed from all accounts; with the exception of the safe deposit box. Making City Clerk Bowlin and Mayor Greg Schmall signers to the box. ROLL CALL: AYES: Hernandez, Kraus, Henson, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Henson moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$246,583.40. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Henson, Hernandez, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **DEPARTMENT HEAD MONTHLY REPORTS**

All department heads gave their reports.

- **UTILITY REPORT** – Fixed water leak, removed snow, swept streets, hooked up electric, jackhammered cement at dump, and changed street lights.
- **PARK REPORT** – Worked in shop, ordered supplies for concession stand, relocating infield water line at Figgins Field, and removing grass from infield.
- **POLICE REPORT** – 43 Assist the public, 14 assist other agencies, 1 accident investigations, 4 citation violations, 10 warning violations, 12 complaints, 13 investigations.
- **LIBRARY REPORT** – There were 635 books checked out in the month of February, the computer was used 21 times, 132 books checked out through overdrive, attended summer reading workshop, and received 200 COVID test kits to be handed out to the public.
- **OFFICE REPORT** –Monthly, payroll, Meetings, Arbor Day Celebration planning, meetings, and cleaning up filing.
- **FIRE DEPARTMENT** – No Report

## **CONSENT AGENDA**

Council member Newhoff moved to approve the consent agenda which included minutes from February 8th regular meeting; Treasurer’s reports, and operational budget. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Hernandez, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **RESOLUTION 1005**

Council Member Henson made a motion to approve resolution #1005 Hazard Mitigation Plan Update. Seconded by council member Newhoff. ROLL CALL: AYES, Henson, Kraus, Hernandez, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **AGING OFFICE OF WESTERN NEBRASKA**

Council Member Kraus made a motion to sign agreement with Aging Office of Western Nebraska for use of the Senior Center. Seconded by council member Newhoff. ROLL CALL: AYES, Henson, Kraus, Hernandez, Marquez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

## **2022 POOL RATES**

Council member Henson made a motion to updated rates for the Bayard Public Pool for 2022 season. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

## **CHIMNEY ROCK LIGHTING**

Council member Newhoff made a motion to approve turning lights red on Chimney Rock for Travel and Tourism week May 1 to May 7, 2022. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

#### **PUBLIC COMMENT**

Ashley Harimon asked about a work order that she had called in, part of 11<sup>th</sup> Street is sinking and there is a dip that will need to be torn out and fixed. This item is on the utility department's list of items to get done as soon as the weather allows. She also talked about a light pole at the edge of her property that is rotting and needs to be replaced.

#### **ADJOURNMENT**

Council member Newhoff moved to adjourn at 8:25 P.M. Seconded by council member Henson. ROLL CALL: AYES: Newhoff, Henson, Kraus, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall  
Mayor

S Bowlin  
City Clerk/Treasurer