

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in regular session in the Council Chambers located at 445 Main Street, in the City on the 13<sup>th</sup> day of September, 2011 at 7:00 P.M. Notice of the meeting having been published in the Bayard Transcript, a newspaper of general circulation, on September 7, 2011. An agenda for the meeting was made available to the Mayor and each of the Council prior to the meeting. Present were Mayor John Araujo, Council Member Michelle Coolidge, Nate Edmunds, Jim Ostdiek, Scot Ouderkirk, Lloyd Steele, and Chad Verbeck. Also present were Jennifer Kriha, City Clerk/Treasurer; Phil Kelly, City Attorney; Kevin Wurm, Utilities Superintendent; Zak Douglass, Chief of Police; Jason Wilcox, Grounds Superintendent; and concerned citizens. There being a quorum of Council Members present, Mayor Araujo called the meeting to order at 7:00 P.M. with the Clerk/Treasurer recording the minutes.

Mayor Araujo called the meeting to order and all present voluntarily recited the Pledge of Allegiance.

Council Member Ostdiek moved to approve the agenda. Seconded by Council Member Edmunds. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Mayor Araujo stated that every meeting of the Bayard City Council shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes and the Open Meetings Act, and that the City of Bayard is required to inform the public that a copy of the Open Meetings Act is posted on the door.

Discussion was held on the daily business at Chimney Rock Villa Nursing Home.

All department heads: Jennifer Kriha, Zak Douglass, Kevin Wurm, and Jason Wilcox presented a monthly report for their departments.

Discussion was held on the monthly review for Chimney Rock Golf Course.

Mayor Araujo stated the board appointments to replace Chris & Michelle Fries on various boards needed to be on the October council agenda.

The discussion of employee evaluation forms will be on the October council agenda.

Council Member Ostdiek moved to approve the City of Bayard's Fiscal Year Budget 2011-2012. Seconded by Council Member Steele. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Council Member Coolidge moved to approve the 1% of allowable increase for City of Bayard's Fiscal Year Budget for 2011-2012. Seconded by Council Member Steele. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Council Member Coolidge introduced Ordinance No. 736, and moved that the statutory rules requiring reading of the title on three different days be suspended. Council Member Ostdiek seconded the motion. Mayor Araujo 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: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Mayor Araujo stated the motion to suspend the statutory requirement is adopted by three-fourths of the Council, and the requirement is declared suspended for Ordinance No. 736. City Clerk/Treasurer Kriha read the title: "AN ORDINANCE APPROPRIATING FROM THE FUNDS AND REVENUES OF THE CITY OF BAYARD, NEBRASKA SUCH SUMS OF MONEY AS HAVE BEEN DEEMED NECESSARY TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF BAYARD, NEBRASKA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 TO SEPTEMBER 30, 2012, AND LEVYING TAXES FOR SUCH CITY AND FOR SAID FISCAL YEAR FOR CERTAIN OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT APPROPRIATE FOR EACH OBJECT AND PURPOSE AND PROVIDING FOR THE CERTIFICATION OF THIS

ORDINANCE TO THE COUNTY CLERK OF MORRILL COUNTY, NEBRASKA, AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.” Council Member Coolidge moved for final passage of Ordinance No. 736. Council Member Ouderkirk seconded the motion. Mayor Araujo stated that it has been moved and seconded that Ordinance No. 736 be passed and adopted. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Mayor Araujo stated the passage and adoption of Ordinance No. 736 has been concurred by a majority of all members elected to the Council and declared it passed, adopted and ordered it published.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk/Treasurer

Council Member Ostdiek moved to pass the following resolution:

RESOLUTION NO. 792

WHEREAS, LB 1085 (Laws 1996), as amended by LB 693 (Laws 1996), authorizes the Governing Body to set a final property tax levy at a different amount than the preliminary levy certified to the Governing Body by the County Clerk;

WHEREAS, the Mayor and Council of the City of Bayard, Nebraska has conducted a public hearing as prescribed by law and heard and considered comments concerning the propriety of the preliminary levy and the need to establish a different levy;

WHEREAS, the Mayor and Council of the City of Bayard, Nebraska hereby finds and determines that it is in the best interests of the Municipality that a levy be set at a different amount than that of the preliminary levy;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BAYARD, NEBRASKA, that the final levy of the Municipality for the fiscal year 2011-2012 is set at 0.589718 per one hundred dollars of actual valuation.

Passed and approved this 13<sup>th</sup> day of September, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk/Treasurer

Seconded by Council Member Steele. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

The second reading of the ordinance for water rate increase occurred. The third reading will be at the October 11, 2011, council meeting.

Barney Whatley presented the 2009 NE Rural Water's results of the City of Bayard's water system assessment. Council asked to have the requests under the "notes" section looked at and reviewed by staff.

Discussion was held with Shawn Green from Waste Connections, Inc. regarding the garbage service contract. It was suggested the same terms of the current amendment be accepted again with a 90 day clause for either party to opt out of the contract. This amendment would also include a 2% increase in the years 2013 and 2015 with the other 2 years without an increase. Phil Kelly will make the appropriate changes and will have it ready for the October 11, 2011 council meeting.

Council Member Ostdiek moved to approve Resolution #793 for the sale of excess equipment from the golf course. Seconded by Council Member Coolidge. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo. This resolution will be published as sealed bids will be accepted for the four (4) items to be sold with minimum bids.

Discussion was held on the contract with Bench Craft Company regarding the tee-sign advertising on the golf course. This contract has automatically renewed for another 5 years and 3 months.

Discussion was held regarding the new state statutes for burning permits that went into effect Augusts 27, 2011. It has been concluded the fire department needs to take action on this matter. Council has invited the fire department to attend the October 11, 2011 meeting to discuss the burning permit issues.

Council discussed the date for the fire department to move out of the old fire building. Council would like a representative or more from the fire department to come and present the progress of the move to council at the October 11, 2011 meeting.

Discussion was held on the updating of the plot maps in the City Office. It has been found out the maps in the office do not match the maps at the County Assessor's office at the courthouse. The City Clerk/Treasurer is to find the old maps that use to be in the back of the office and see if there are more current maps available. City Clerk/Treasurer is also to contact M.C. Schaff & Associates to see what it would take for them to create new and accurate maps for the City Office & public use.

Council Member Coolidge moved to approve the purchase of electrical wire for the electrical system from Crescent Electric Supply Company in the amount of \$1,987.60 now and the new lighting for the City shop in the amount of \$2,394.33 in the new fiscal year. Seconded by Council Member Edmunds. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Discussion was held on the police jurisdiction boundaries for the City of Bayard police. It was agreed Zak Douglass, Chief of Police, and Phil Kelly, City Attorney, put together an inter-local agreement with the Morrill County Sheriff's & the City of Bayard regarding the police jurisdiction around the City of Bayard. This agreement will be brought back to council on the October 11, 2011 meeting.

Council Member Ostdiek moved to approve the City of Bayard Bills & Claims. Seconded by Council Member Coolidge. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Council Member Steele moved to approve the Chimney Rock Villa Bills & Claims. Seconded by Council Member Ouderkirk. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Council Member Ostdiek moved to approve the Consent Agenda. Seconded by Council Member Edmunds. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

Council Member Ouderkirk moved to adjourn at 9:05 P.M. Seconded by Council Member Steele. ROLL CALL: AYES: Coolidge, Edmunds, Ostdiek, Ouderkirk, Steele, and Verbeck. NAYS: None. Motion declared carried by Mayor Araujo.

John Araujo  
Mayor

ATTEST:

Jennifer Kriha  
City Clerk/Treasurer