

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers September 13, 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 September 7, 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, Marty Marquez, Jamie Hernandez, and Scot Ouderkirk. Absent: None. 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 Ouderkirk. ROLL CALL: AYES: Henson, Kraus, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

### **BUDGET**

Council Member Newhoff moved to approve 2022-2023 budget. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Newhoff, Ouderkirk, Hernandez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Henson moved to approve 1% additional allowable increase for restricted funds. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Marquez, Newhoff, Ouderkirk, Hernandez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to approve Resolution #1011 to set property tax request for 2022-2023 fiscal year. Seconded by council member Ouderkirk. ROLL CALL: AYES: Marquez, Newhoff, Kraus, Ouderkirk, Hernandez, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

#### **Resolution #1011 – Setting Property Tax Request**

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of the City of Bayard passes by a majority vote a resolution or ordinance setting the tax request; and WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the City of Bayard resolves that:

1. The 2022-2023 property tax request be set at:

General Fund: \$184,830.00

Bond Fund:

2. The total assessed value of property differs from last year's total assessed value by 18.14 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be 0.422929 per \$100 of assessed value.
4. The City of Bayard proposes to adopt a property tax request that will cause its tax rate to be 0.433591 per \$100 of assessed value.
5. 5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Bayard will increase (or decrease) last year's budget by 3.11 percent.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2022.

Council Member Newhoff made a motion to waive the three readings for Ordinance #866. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Marquez, Newhoff, Ouderkirk, Hernandez, and Kraus. NAYS: None. Motion declared waived by Mayor Schmall.

Council Member Newhoff made a motion for final passage of Ordinance #866. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Newhoff, Ouderkirk, Hernandez, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

#### **ORDINANCE #866**

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, 2022 TO SEPTEMBER 30, 2023, 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.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA.

SECTION 1. That there be and there hereby is appropriated out of the funds and revenue of the City of Bayard, Nebraska, the following sums of money deemed necessary to defray all necessary expenses and liabilities of the City of Bayard, Nebraska, for the fiscal year commencing October 1, 2022 and ending September 30, 2023; and there is hereby levied on each one dollar of actual value of the taxable property within the corporate limits of the City of Bayard, Nebraska, for said fiscal year, as shown by the assessment roll for such fiscal year, the amounts set out; the objects or purposes for which such expenditures are to be made, the amount of appropriated, including the amounts due upon legal and valid outstanding bonds against said City and all special assessments and other tax authorized by law, are as follows:

City of Bayard \$12,809,348.00

SECTION 2. There is hereby appropriated to the respective funds of said City such sums as shall be paid to the County Treasurer of Morrill County, Nebraska, during the ensuing year for taxes and previous fiscal years for such respective funds and there is also appropriated all occupational taxes collected for and during the fiscal year; also unexpended funds in the hands of the City Treasurer at the beginning of the present fiscal year hereby appropriated to be used to defray the expenses or obligations of the City chargeable against said City funds.

SECTION 3. That this ordinance shall be known as the Annual Appropriation Bill and shall be in full force and effect from and after the passage, approval and publication according to law.

Passed and adopted this 13th day of September 2022.

### **KENO FUNDS**

Council member Newhoff moved to approve matching funds up to \$5,000.00 for feral cat TNR program. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: Henson. Motion declared carried by Mayor Schmall.

### **SPECIAL DESIGNATED LICENSE**

Council member Henson moved to approve SDL for Sip & Sample to be held November 11, 2022. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Kraus, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

### **CITY BILLS & CLAIMS**

Council member Henson moved to approve all city bills and claims in the amount of \$211,394.76. Seconded by council member Ouderkirk. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall. A& A Port-a-Potties \$300.00, Action Communication \$181.74, Advancing Technologies \$235.00, AFLAC \$1,122.96, AST \$53.90, Allied Benefits \$9,510.48, Atlas Automation \$1,724.00, Bayard Automotive \$872.90, Benzel \$179.68, Best Plumbing \$693.10, Black Hills Energy \$547.26, Bluffs Sanitary \$63.95, Border States \$2,323.34, Bound Tree \$651.62, Capital Business System \$113.27, CenturyLink \$59.18, Charter \$961.69, Child Support of WY \$298.14, Chimney Rock PPD \$954.35, City of Gering \$11,636.35, CLIA Lab \$180.00, Connecting Point \$110.00, Crescent Elect \$552.58, Croell \$440.50, Crosby Guenzel \$196.00, Culligan \$139.00, Defense Technology \$171.25, Dollar General \$72.50, Douglas, Kelly, Ost diek \$1,659.50, Enviro Service \$50.00, Follett \$802.23, Zaine Gallegos \$57.17, Galls \$180.51, General Consolidated \$705.60, Great America \$235.00, Hawkins \$2,796.39, Ideal Linen \$304.36, Ingram \$680.87, Val Jafferis \$100.00, John Deere \$75.30, John Hancock \$1,640.40, Jon's Body \$1,904.67, K & P Welding \$214.68, Kuskie \$1,229.91, LNM \$1,516.00, Lincoln National \$129.76, Menards \$524.93, Midwest Salt \$6,863.82, Morrill Co Attorney \$150.00, Morrill County Court \$17.00, Morrill Co Sheriff \$1,000.00, MEAN \$69,130.82, NAPA \$114.37, NE Child Support \$1,144.64, NE Dept of Ag \$39.04, DHHS \$2,410.83, NMPP \$2,420.00, NE Public Health \$16.00, NE State Fire Marshall \$81.00, Nippon Life \$899.18, NW Pipe \$528.06, OPTK \$30.00, Police Chiefs Assoc \$30.00, Police Officers Assoc \$160.00, Print Works \$154.03, Robinson Electric \$3,780.00, Rocky Mountain Air \$155.22, Rodriquez Fencing \$1,600.00, Sandberg \$138.14, Scotts Bluff Building & Zoning \$96.00, Carl Sell \$56.04, Simplot \$6,557.13, Ruben Steele \$100.00, Transcript \$274.96, US Bank \$1,506.25, Amber Weideman \$209.04, WNTC \$125.00, Western States Bank \$353.06, Peggy Wolfe \$222.15, WY First Aid \$106.30. Payroll \$60,128.24.

### **CHIMNEY ROCK VILLA**

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$274,247.38 as presented. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

### **DEPARTMENT HEAD MONTHLY REPORTS**

All department reports for the month of September are as follows: The tower is done being painted, have to wait to weeks to fill; bladed streets & allies; swept streets; set power poles; emptied pool & winterized, changed street lights.

- **PARK REPORT** – put in back-stops at Figgins, fertilized for fall, continued sprinkler repairs, planted trees, prep for pioneer days.

- **POLICE REPORT** – 48 Assist the public, 15 assist other agencies, 0 accident investigations, 1 citation violations, 16 warning violations, 16 complaints, 5 investigations.
- **LIBRARY REPORT** – There were 577 books checked out in the month of August, the computer was used 19 times, 160 books checked out through overdrive; still looking for options for digitizing microfilm; Matt McLaughlin resigned from board.
- **OFFICE REPORT** – Monthly reports, payroll, Meetings, budget preparations; final pool closings.
- **FIRE DEPARTMENT – Chief’s Report** - 3 Grass Fires-9 man-hours; 1 MVA’s-4 man-hours; 1 car fire-9 man-hours; **total 5 calls** – 138 man-hours, 7 people per call.  
**Rescue Report** –3 Transports to RWMC; 2 tiered with Valley; 3 transported by Valley; 1 tiered with ALS, 6 Refusals; 12 Calls – 15 patient contacts; 991-134.6 miles w/ patient; 289.4 total miles; 992-0 miles w/ patient;0 total miles. 991-1 hour 7 minutes in service; 992-0 hour 0 minutes.  
**Training Report** –No training held.

**CONSENT AGENDA**

Council member Newhoff moved to approve the consent agenda which included minutes from August 9<sup>th</sup> regular meeting, August 30<sup>th</sup> Special Budget meeting; Treasurer’s reports, fire department minutes & roster, and operational budget. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

**GROUNDS SUPERINTENDENT**

Council member Ouderkirk moved to table discussion about responsibilities of Grounds Superintendent until committee discusses further. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared tabled by Mayor Schmall.

**RESOLUTION 1012**

Council member Newhoff moved to approve Resolution #1012 Annual Certification of Street Superintendent. Seconded by council member Ouderkirk. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

**RESOLUTION 1012**

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

**Be it resolved** that the Mayor of Bayard is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

**ORDINANCE 864**

City Clerk/Treasurer Bowlin read the title of Ordinance 864.

**RESOLUTION 1013**

Council member Henson moved to approve Resolution #1013 Adopting Morrill County Local Emergency Operations Plan. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Henson, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

**Resolution 1013**

That in order to provide for a coordinated response to a Disaster or Emergency in Morrill County, the City of Bayard and other cities or villages in Morrill County, the Bayard City Council deems it advisable and in the best interests of the community and the county to approve the Morrill County

Local Emergency Operations Plan. Acceptance of this 2022 Local Emergency Operations Plan supersedes all previous approved Morrill County Local Emergency Operations Plans.

**PUBLIC COMMENT**

Estelle Hirschert came to council about letter she received about feeding feral cats, she stated that the cats that she feeds outside are her cats, and none of them are feral. She stated she owns all of those cats and Chief Douglass mentioned that she could be sited for having more animals than are allowed in town. Mayor Schmall read a letter received from WNCC about construction trades initiative the college is working on places to hold trainings, qualified trainers, and students who are interested in trade jobs, this program is in beginning stages at this point. City Clerk Bowlin asked about days for Free Dump Day, decided on October 8, 2022.

**ADJOURNMENT**

Council member Kraus moved to adjourn at 8:18 P.M. Seconded by council member Ouderkirk. ROLL CALL: AYES: Henson, Kraus, Newhoff, Marquez, Hernandez, and Ouderkirk. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall  
Mayor

S Bowlin  
City Clerk/Treasurer