

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, 2023. City of Bayard, 445 Main Street, Bayard, Nebraska, 69334. Notice of the meeting having been published in the Bayard Transcript on September 6, 2023. An agenda for the meeting was made available to the Mayor and each of the Council Members prior to the meeting. Present were Mayor Scot Ouderkirk and Council Members Chris Baird, Sheila Dudden, Tanner Henkel, Jamie Hernandez, Diane Kraus, and, Marty Marquez. Absent: None. There being a quorum of council members present, Mayor Ouderkirk called the meeting to order at 7:00 P.M. The Pledge of Allegiance was recited. Mayor Ouderkirk 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 Dudden made a motion to approve the agenda. Seconded by council member Baird. ROLL CALL: AYES: Baird, Dudden, Henkel, Hernandez, Kraus and Marquez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **2023-2024 BUDGET**

Council member Baird made a motion to approve the fiscal year budget for 2023-2024. Seconded by council member Dudden. ROLL CALL: AYES: Dudden, Henkel, Hernandez, Kraus, Marquez, and Baird. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Dudden made a motion to approve the additional one percent (1%) allowable increase for restricted funds authority for fiscal year. Seconded by council member Hernandez. ROLL CALL: AYES: Henkel, Hernandez, Kraus, Marquez, Baird, and Dudden. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Baird made a motion to approve Resolution #1024 to set property taxes for the fiscal year 2023-2024. Seconded by council member Kraus. ROLL CALL: AYES: Hernandez, Kraus, Marquez, Baird, Dudden, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **RESOLUTION #1024**

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 2023-2024 property tax request be set at:  
General Fund: \$188,870.00  
Bond Fund: \$-
2. The total assessed value of property differs from last year's total assessed value by 10.16 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 0.393584 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 0.402187 per \$100 of assessed value.
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 1.91 percent.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2023.

Council member Kraus made a motion to waive the three readings for Ordinance #873 to appropriate funds for 2023-2024 fiscal budget. Seconded by council member Baird. ROLL CALL: AYES: Kraus, Marquez, Baird, Dudden, Henkel, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Baird made a motion to approve Ordinance #873 to appropriate funds for 2023-2024 fiscal budget. Seconded by council member Dudden. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, Hernandez, and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **ORDINANCE 873**

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, 2023 TO SEPTEMBER 30, 2024, 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, 2023 and ending September 30, 2024; 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 \$13,054,397.00

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 12th day of September 2023.

## **RESOLUTION #1022**

City Clerk Bowlin opened and read the sealed bids received. Council member Baird moved to approve Bid from Charles Gonzales in the amount of \$1,500.00 for the Police 2008 Dodge Charger; and the \$500.00 bid from Tanner Henkel for 1999 Chevy Parks pickup. Seconded by council member Kraus. ROLL CALL: AYES: Baird, Dudden, Hernandez, Kraus, and Marquez. NAYS: None. ABSTAIN: Henkel. Motion declared carried by Mayor Ouderkirk.

## **CITY BILLS & CLAIMS**

Council member Dudden moved to approve all city bills and claims in the amount of \$341,566.36. Seconded by council member Hernandez. ROLL CALL: AYES: Dudden, Henkel, Hernandez, Kraus, Marquez, and Baird. NAYS: None Advancing Tech \$150.00, A & A Port-a-Potties \$450.00, Action Communication \$3,327.07, Aflac \$1,917.12, Airgas \$50.22, AST \$53.90, Allied Benefits \$8,245.00, Al's Market \$111,775.17, Amazon \$209.24, AT&T \$339.22, Bayard Automotive \$16.72, Bayard Rural Fire \$2,632.40, Best Plumbing \$468.53, Black Hills Energy \$1,072.04, Bluffs Sanitary \$11.95, Border States \$520.95, Elizabeth Buck \$16.14, Capital Business System \$289.02, CenturyLink \$58.80, Charter \$1,663.65, Chimney Rock PPD \$286.56, City of Gering \$11,792.34, Community Pharmacy \$153.47, Connecting Point \$140.29, Contractor's \$108.09, Cozad Signs \$81.25, Croell \$489.50, Culligan \$151.00, Dollar General \$30.50, Douglas, Kelly Ostdiek \$1,859.25, Dutton-Lainson \$1,623.70, Enviro Service \$194.00, FNBO \$353.06, Follett \$900.06, Fox Insurance \$97.04, Fyr-Tek \$644.88, General Consolidated \$833.86, GreatAmerica \$149.99, Hawkins \$2,111.49, Kris Hopkins \$100.48, IworQ \$3,400.00, Ideal Linen \$217.19, Independent Plumbing \$287.43, Ingram \$920.75, IAAI \$500.00, Intoximeters \$188.25, Jack's Uniforms \$327.39, John Hancock \$2,919.59, Jon's Body \$2,252.00, Kuskie \$2,077.26, Lincoln Life \$129.76, LL Johnson \$753.74, MacQueen \$192.16, Matt Friend \$623.91, Menards \$376.37, Jessica Miller \$100.00, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN 69,449.44, Nate's Appliance \$106.00, NE Child Support \$708.93, NE Life \$30.00, NMPP \$500.00, NE Public Health \$16.00, Nippon Life Benefits \$732.77, NW Pipe \$300.70, OPTK \$30.00, Quadient \$600.00, Rocky Mtn. Air \$183.40, Sandberg \$168.53, Simplot \$975.57, Staples \$73.98, Storey Kenworthy \$1,032.11, Team Chev \$70.75, Transcript \$509.82, US Bank \$1,942.04, Viaero Wireless \$55.30, Payroll \$88,284.07. Motion declared carried by Mayor Ouderkirk

## **CHIMNEY ROCK VILLA**

Council member Dudden moved to approve the Chimney Rock Villa Bills & Claims as presented in the amount of \$366,812.51. Seconded by council member Kraus. ROLL CALL: AYES: Henkel, Hernandez, Kraus, Marquez, Baird, and Dudden. NAYS: None. Motion declared carried by Mayor Ouderkirk.

## **DEPARTMENT HEAD MONTHLY REPORTS**

All department heads gave their reports.

- **UTILITY REPORT** – bladed roads & alleys, swept streets, cement on 11<sup>th</sup> street, mowed lots, fixed hydrant in park, fixed street lights, patched potholes, prepped for Pioneer Days.
- **POLICE REPORT** – 65 Assist the public, 23 assist other agencies, 0 accident investigations, 3 citation violations, 8 warning violations, 28 complaints, 7 investigations.
- **LIBRARY REPORT** – There were 662 books checked out in the month of August, the computer was used 28 times, 126 books checked out through Overdrive; September 20<sup>th</sup>

will attend Grant Webinar, September 12<sup>th</sup> attended Western Library Board Meeting, Closed October 4<sup>th</sup> morning.

- **OFFICE REPORT** – Monthly reports, payroll, Meetings, Budget work,
- **PARKS** – Fixed sprinkler heads at baseball fields, sprayed for weeds & fertilized, still need to replace 8 2” valves at ballfields, has Joe helping with extra projects.
- **FIRE DEPARTMENT – Chief’s Report** 4 Calls – 33 man-hours; 2 MVAs, 1 Grass fire, 1 Mutual Aid Tractor Fire. **Rescue Report** 14 Calls - 4 Transported by Bayard, 3 Tiered with Valley, 1 Tiered with MC ALS, 2 transported by Valley, 2 refusals, 2 standbys; 119.6 miles w/ patient, 250.4 total miles – 18 hours 2 minutes in service. **Training Report** Scene size-up and building construction – 5 people, 4 man-hours.

**CONSENT AGENDA**

Council member Dudden moved to approve the consent agenda which included minutes from August 8th & August 29th meetings; Treasurer’s reports, operational budget, salary change – Norman MacIntosh \$16.50 and fire department minutes and roster. Seconded by council member Baird. ROLL CALL: AYES: Hernandez, Kraus, Marquez, Baird, Dudden, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

**MAIN STREET REPAIR**

Council member Baird moved to approve Infinity Construction bid of \$5,400.00 for Main Street water leak repair. Seconded by council member Dudden. ROLL CALL: AYES: Kraus, Marquez, Baird, Dudden, Hernandez, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

**RESOLUTION #1025**

Council member Baird moved to approve Resolution #1025 LARM renewal for 2023-2024. Seconded by council member Dudden. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, Hernandez, and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

**RESOLUTION #1023**

Council member Kraus moved to approve Resolution #1023 to correct the legal description on a subdivision. Seconded by council member Henkel. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

**ORDINANCE 872**

City Clerk Bowlin read the title for Ordinance #872 updating Garbage Rates. Council member Baiard moved for final passage of Ordinance #872. Seconded by council member Dudden. ROLL CALL: AYES: Baird, Dudden, Henkel, Hernandez, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

**AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTION 51.04 AND REPEALING SECTION 51.07 OF THE CITY CODE CONCERNING SERVICE RATES FOR GARBAGE COLLECTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.**

NOW THEREFORE, be it ordained by the Council of the City of Bayard, in the State of Nebraska, as follows:

**SECTION 1:** AMENDMENT “51.04 Service Rates” of the City of Bayard Municipal Code is hereby *amended* as follows:  
51.04 Service Rates

A. The following rates for garbage collection service are hereby established:

Each one-family unit or apartment within the City limits	\$19.25 per month
Each one-family unit or apartment abutting the City limits	\$28.00 per month

Each commercial or business establishment within the City limits which has a shared container with other commercial or business establishments (minimum charge) and one weekly pickup	\$ <u>25.00</u> per month
Each commercial or business establishment outside the City limits which has a weekly pickup	\$ <u>47.00</u> per month
Each commercial or business establishment which has a shared container and two (2) pickups per week	\$ <u>47.00</u> per month
Each commercial or business establishment which has one container and 2 pickups per week	\$ <u>81.00</u> per month
Each large commercial or business establishment which has two (2) containers and two (2) pickups per week	\$ <u>159.50</u> per month
Each large commercial or business establishment which has 3 containers and 2 pickups per week	\$ <u>238.00</u> per month

- B. These rates include a charge of \$2.50 per month for residential users and small businesses with residential size lots for use of containers designated for disposal of leaves, grass, clippings and garden debris, which will be picked up once per week (April 1 to October 15).
- C. Business or commercial establishments that have lawns or grassed areas larger than residential lots will be charged an additional \$5.00 per month for use of containers designated for disposal of leaves, grass clippings and garden debris, which will be picked up once per week. This charge is in addition to the rates set forth above.
- D. Tree limbs which are cut in lengths of more than four feet (4') will be the responsibility of the resident to dispose of.
- E. The foregoing charges will be payable at the office of the City Clerk in advance on or before the 10th day of each month. These rates shall go into effect October 1, 2023.
- F. All refuse of any nature except leaves, grass clippings and garden debris shall be placed in the containers labeled for garbage and trash. Any refuse which is not in a container will be the responsibility of the resident to dispose of. Leaves, grass clippings and garden debris shall only be placed in the containers labeled for leaves, grass clippings and garden debris.

**SECTION 2:** REPEAL “51.07 Yard Waste” of the City of Bayard Municipal Code is hereby *repealed*

**SECTION 3:** REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 4:** EFFECTIVE DATE This ordinance shall take effect after its passage, approval and publication according to law.

### **PUBLIC COMMENT**

Angie Estrada came to ask council about a tree close to her house that has been dropping branches, she is concerned it will fall on her house; she also addressed concerns about cars that are being stored on property for long periods of time without being removed, and mowing at the trailer park on 8<sup>th</sup> Street, it has been overgrown all summer.

### **ADJOURNMENT**

Council member Baird moved to adjourn at 8:04 P.M. Seconded by council member Kraus.

ROLL CALL: AYES: Dudden, Henkel, Hernandez, Kraus, Marquez, and Baird. NAYS: None.

Meeting declared adjourned by Mayor Ouderkirk.

S Ouderkirk.  
Mayor

S Bowlin  
City Clerk/Treasurer