

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers May 14, 2024. City of Bayard, 445 Main Street, Bayard, Nebraska, 69334. Notice of the meeting having been published in the Bayard Transcript on May 8, 2024. 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, Diane Kraus, and Marty Marquez. Absent: Jamie Hernandez. 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 Baird made a motion to approve the agenda. Seconded by council member Dudden. ROLL CALL: AYES: Baird, Dudden, Henkel, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

ORDINANCE 876

Council member Baird introduced Ordinance #876 Accepting the Sales of the Land known as the Wellfield Property, and moved to waive the three readings. Seconded by council member Kraus. ROLL CALL: AYES: Dudden, Henkel, Kraus, Marquez, and Baird. NAYS: None. Motion declared Waived by Mayor Ouderkirk.

City Clerk Bowlin Read the title:

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA APPROVING THE SALE AND TRANSFER OF REAL PROPERTY LOCATED IN SECTION 33 TOWNSHIP 21 NORTH RANGE 52 WEST OF THE 6TH P.M., MORRILL COUNTY, NEBRASKA, PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

Council member Dudden moved for final passage of Ordinance #876 Accepting the Sales of the Land known as the Wellfield Property. Seconded by council member Baird. ROLL CALL: AYES: Henkel, Kraus, Marquez, Baird, and Dudden. NAYS: None. Motion declared passed by Mayor Ouderkirk.

VARIANCE

Council member Baird moved to accept the recommendation from Planning Commission to allow a Variance for Steve and Diana Tucker to allow them to put a tailer house on their R-1 property at 835 Avenue C; the house is required to be on a foundation and will be an improvement to the empty property. Seconded by council member Henkel. ROLL CALL: AYES: Kraus, Marquez, Baird, Dudden, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

CHIMNEY ROCK PIONEER DAYS

Council member Dudden moved to approve the SDL, Resolution #1040, and the City will pay for port-a-potties for Chimney Rock Pioneer Days celebration September 6-8. Seconded by council member Henkel. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

CITY BILLS & CLAIMS

Council member Dudden moved to approve all city bills and claims in the amount of 216,468.11. Seconded by council member Baird. ROLL CALL: AYES: Baird, Dudden, Henkel, Kraus, and Marquez. NAYS: None. A&A Porta Potties \$150.00, Action communications \$161.34, Aflac \$1,431.02, Airgas \$67.99, AST \$53.90, Allied Benefits \$16,899.85, Amazon \$290.96, AT&T \$343.60, Atlas Automation \$477.97, Bayard Automotive \$872.42, Benzel Pest \$99.00, Bill Lathrop Heating \$1,352.44, Black Hills \$2,067.40, Bluffs Sanitary \$155.93, Capital Business System \$192.30, Charter \$1,218.06, Chimney Rock PPD \$155.32, City of Gering \$12,491.16, Gene Claver \$200.61, Connecting Point \$66.47, Culligan \$108.00, DJ Gongol \$5,040.45, DED \$7,500.00, Dollar General \$64.43, Douglas, Kelly, Ostdiek \$1,775.00, Enviro Service \$129.00, FNBO \$353.06, General Consolidated \$580.60, Great America \$149.99, Ideal Linen \$284.65, Independent Plumbing \$740.59, Infinity Construction \$13,275.00, Ingram \$986.19, Intralinks \$1,544.00, Jacks Uniforms \$576.44, John Hancock \$1,676.26, Kuskie \$2,570.54, LONM \$535.00, Legacy Coop \$351.99, Lincoln Life \$125.88, MacQueen \$942.50, Memorial Monuments \$33.79, Menards \$779.05, MicroMarketing 34.00, Midwest Radar \$123.00, Morrill Co Attorney \$150.00, Morrill Co Court \$17.00, Morrill Co Sheriff \$1,500.00, MEAN \$62,415.38, Municipal Supply \$1,499.54, NE

Child Support \$472.62, NE Public Health \$16.00, Fire School \$165.00, NE Total Office \$629.16, Nippon \$475.48, NMC \$1,891.40, NW Pipe \$164.28, Paradise Pumpers \$125.00, Quadient \$650.93, Robinson Elect \$135.00, Rocky Mountain Air \$183.40, Sandberg \$399.99, Sandry Fire \$8,260.00, Scb Bldg \$158.00, Simon Materials \$2,274.85, Snell Services \$1,028.00, Erik Soderquist \$0.61, State Fire Marshal \$100.00, Transcript \$299.53, US Bank \$2,316.18, Viaero \$106.37, Westco \$185.50, Payroll \$51,821.74. Motion declared carried by Mayor Ouderkirk.

CHIMNEY ROCK VILLA

Council member Baird moved to approve the Chimney Rock Villa Bills & Claims as presented in the amount of \$291,762.51. Seconded by council member Kraus. ROLL CALL: AYES: Dudden, Henkel, Kraus, Marquez, and Baird. NAYS: None. Motion declared carried by Mayor Ouderkirk.

DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports.

- **UTILITY REPORT** – Changed Street lights, Filled potholes, Closed alley, Replaced fence posts, Repair hydrant by Water Treatment Plant, Trim Trees, Electrical outages, Well updates.
- **POLICE REPORT** – 45 Assist the public, 27 assist other agencies, 0 accident investigations, 6 citation violations, 10 warning violations, 16 complaints, 3 investigations. Regina Preston will be filling in a few shifts starting Saturday.
- **LIBRARY REPORT** – There were 649 books checked out in the month of April, the computer was used 16 times, 121 books checked out through Overdrive, received \$450.00 in Summer Reading Donations so far; continuing to work on Strategic Plan for Library; Going to look for grants for Tennis, Pickleball, and Basketball courts.
- **OFFICE REPORT** – Monthly reports, payroll, Committee Meetings; Swimming Pool, Insurance Claims, Webinars, WNED in Gering, Utility Billing, Looking at Grant for Park Playground Equipment
- **PARKS** – Spraying all parks and ballfields; spraying weeds in lots. Sprinkler repairs.
- **FIRE DEPARTMENT – Chiefs Report** 4 Calls 34 People 71 Hours
 - 3 Structure Fires - 2 Mutual Aid- 21 people 69 Hours
 - 1 Grass Fire – 3 People 2 hours**Rescue Report**
 - o 11 Transported by Bayard
 - o 6 Transported by Bayard Tiered with RW EMS
 - o 2 Transported by MC ALS
 - o 1 refusal
 - o 1 Fire Standby17 Hours 6 Minutes in-service - Mileage o 173.1 With Patient - TOTAL – 385.7
- **Training Report** ERG – 6 People – 2 Hours ea.

CONSENT AGENDA

Council member Dudden moved to approve the consent agenda which included minutes from April 9th Meeting; Treasurer's Reports, Operational Budget, Fire Dept Minutes & Roster – April & May and New Hires/Rehires – Kari Schukei Pool Manager \$16.00, Aleah Nesbitt Asst Mgr \$15.00, Riley Hopkins, Kali Hopkins, Alexi Nesbitt, Ryker Norman, Scarlett Norman, Caleb Leonard, Jacob Carrizales Lifeguards \$12.00, Trenton Carrizales Utility Dept Mowing \$15.00, Gary Schukei Mosquito \$14.00. Seconded by council member Kraus. ROLL CALL: AYES: Henkel, Kraus Marquez, Baird, and Dudden. NAYS: None. Motion declared carried by Mayor Ouderkirk.

TREE BOARD

Council member Baird moved to accept Mayor Appointments of Shawna MacIntosh and Stacy Mau to Tree Board empty seats. Seconded by council member Henkel. ROLL CALL: AYES: Kraus, Marquez, Baird, Dudden, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

ORDINANCE 877

Council member Kraus introduced Ordinance #877 Amending Building Code and moved to waive the three readings. Seconded by council member Baird. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, and Kraus. NAYS: None. Motion declared Waived by Mayor Ouderkirk.

City Clerk Bowlin Read the title:

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTION 150.01 OF THE CITY CODE CONCERNING ADOPTION OF BUILDING CODES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.

Council member Dudden moved for final passage of Ordinance #877 Amending Building Code. Seconded by council member Baird. ROLL CALL: AYES: Baird, Dudden, Henkel, Kraus, and Marquez. NAYS: None. Motion declared passed by Mayor Ouderkirk.

ORDINANCE 878

Council member Dudden introduced Ordinance #878 Black Hills Energy Franchise in Bayard and moved to waive the three readings. Seconded by council member Baird. ROLL CALL: AYES: Dudden, Henkel, Kraus, Marquez, and Baird. NAYS: None. Motion declared Waived by Mayor Ouderkirk.

City Clerk Bowlin Read the title:

An Ordinance granting Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, a Delaware corporation, its lessees, successors and assigns, a natural gas franchise and the authority to construct, operate, maintain, and extend a natural gas distribution plant and system, and granting the right to use the streets, alleys, and other public places within the present or future corporate limits of the City of Bayard, Nebraska

Council member Kraus moved for final passage of Ordinance #878 Black Hills Energy Franchise in Bayard. Seconded by council member Baird. ROLL CALL: AYES: Henkel, Kraus, Marquez, Baird, and Dudden. NAYS: None. Motion declared passed by Mayor Ouderkirk.

ORDINANCE 879

Council member Dudden introduced Ordinance #879 Establishing Franchise Fee on Energy Providers and moved to waive the three readings. Seconded by council member Baird. ROLL CALL: AYES: Kraus, Marquez, Baird, Dudden, and Henkel. NAYS: None. Motion declared Waived by Mayor Ouderkirk.

City Clerk Bowlin Read the title:

An ordinance establishing a franchise fee on Energy Providers operating in The City of Bayard, NE

Council member Baird moved for final passage of Ordinance #879 Establishing Franchise Fee on Energy Providers. Seconded by council member Kraus. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, and Kraus. NAYS: None. Motion declared passed by Mayor Ouderkirk.

ORDINANCE 880

After much discussion with Utility Superintendent Fowlkes. Council member Baird moved to table Ordinance #880, but would like the information contained within it put out to the public to ask them to help with water conservation by using sprinklers for lawn and gardens Even house numbers Monday, Wednesday, and Friday; Odd house numbers Tuesday, Thursday and Saturday. He stated this could put in as an ordinance with fines in the future if we are experiencing any watering issues. Seconded by council member Dudden. ROLL CALL: AYES: Baird, Dudden, Henkel, Kraus, and Marquez. NAYS: None. Motion declared Tabled by Mayor Ouderkirk.

NINE MILE IRRIGATION

Council member Dudden moved to sign agreement with Nine Mile Irrigation after updating Item #3 Section 3 to say five (5) days' notice. Seconded by council member Henkel. ROLL CALL: AYES: Dudden, Henkel, Kraus, Marquez, and Baird. NAYS: None. Motion declared passed by Mayor Ouderkirk.

2024 SWIMMING POOL PRICES

Council member Dudden moved to approve the rates and hours for the swimming pool 2024 season. Seconded by council member Kraus. ROLL CALL: AYES: Henkel, Kraus, Marquez, Baird, and Dudden. NAYS: None. Motion declared passed by Mayor Ouderkirk.

BUDGET WORKSHOP DATES

Discussion was held between council members to come up with potential dates for Budget meeting and budget hearing; tentatively June 18th, July 16th and August 20th.

PUBLIC COMMENT

Vistabeam has applied for grant to bring fiber into town, but did not receive. They are applying for an Ag grant that would supply updated equipment to towers around Bayard.

ADJOURNMENT

Council member Dudden moved to adjourn at 8:25 P.M. Seconded by council member Kraus. ROLL CALL: AYES: Marquez, Kraus, Henkel, Dudden, and Baird. NAYS: None. Meeting declared adjourned by Mayor Ouderkirk.

S Ouderkirk.
Mayor

S Bowlin
City Clerk/Treasurer