

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 14th, 2021 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 8th, 2021. 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, Janice Newhoff, Diane Kraus, and Sheila Henson. Absent: Scot Ouderkirk and Jamie Hernandez. There being a quorum of council members present, Mayor Schmall called the meeting to order and offered a prayer. The Pledge of Allegiance was recited. Mayor Schmall presided over the meeting and noted that a copy of the Open Meetings Act is located in City Council Chambers, 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, Newhoff, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

BUDGET

Council Member Kraus moved to approve 2021-2022 budget. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Newhoff, 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, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

PUBLIC NOTICE TO SET PROPERTY TAX: Council Member Newhoff made a motion to approve Resolution #999 to set property tax request for 2021-2022 fiscal year; seconded by council member Henson. ROLL CALL: AYES: Marquez, Newhoff, Kraus, and Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION NO. 999

WHEREAS, Nebraska Revised Statute 77-1601.02 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 2021-2022 property tax request be set at:
General fund: \$180,285.00
Bond fund: \$0.00
2. The total assessed value of property differs from last year's total assessed value by 1.67 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 0.491248 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 0.499646 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 5.99 percent.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2021.

Council Member Newhoff made a motion to waive the three readings for Ordinance #857. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Newhoff, and Kraus. NAYS: None. Motion declared suspended by Mayor Schmall.

Council Member Newhoff made a motion for final passage of Ordinance #857. Seconded by council member Henson. ROLL CALL: AYES: Henson, Marquez, Newhoff, and Kraus. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

ORDINANCE #857

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, 2021 TO SEPTEMBER 30, 2022, 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, 2021 and ending September 30, 2022; 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	\$12,423,406.00
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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 14th day of September 2021.

PUBLIC HEARING

Mayor Schmall opened the Public Hearing for Community Development Block Grant at 7:13 PM. Derrick Conard with PADD was present and stated that the Bayard City Council is requesting \$435,000.00 in Community Development Block Grant Funds for the City of Bayard, Morrill County, Nebraska and is proposing to implement a(n) Downtown Revitalization Project that is within the municipal limits of the City. This project will be taking place on Main Street of Bayard. The project will start at the 100 block of Main Street and go to and include the 600th block of Main Street on both sides of the street. The total project includes Six (6) city blocks to be revitalized. The sidewalks and visual appeasement of these blocks of the Main Street have fallen into despair with severe deterioration and cracks.

Project activities include removal of old sidewalks and gutter. With an addition of new sidewalks with a new curb, gutters and electrical conduit for streetlamps between the 100 block and to include the 600 block of main street on both sides. Project impacts would include sidewalk closures, noise, and dust. Businesses, residents, and emergency vehicle services will be notified if there are to be any road closures on the off chance. Project activities will take place during regular business hours.

The total project cost is estimated at \$572,617.00 including \$25,000.00 for General Grant Administration and \$10,000.00 for Construction Management. Funding sources include a Community Development Block Grant (GDBG) for \$435,000.00 and a community match of \$137,617.00. The project will primarily benefit Low to Moderate Income (LMI) persons. Construction of the project will be completed within Thirty (30) months after funds are awarded. No persons or business will be displaced as a result of the project activities.

Without any other comments from the public Mayor Schmall closed the public hearing at 7:19 PM. Council member Newhoff moved to approve the application and submission for the CDBG. Seconded by Council member Marquez. ROLL CALL: AYES: Henson, Marques, Newhoff, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

LB840 RECOMMENDATION

Council Member Kraus made a motion to approve a \$10,000 loan grant combination for Jenessa Ulander and the Majestic Bed & Breakfast; seconded by council member Newhoff. ROLL CALL: AYES: Henson, Kraus, Marquez, Newhoff. NAYS: None. Motion declared carried by Mayor Schmall.

CONCRETE PROJECTS

Council Member Newhoff made a motion to approve the proposal from Leland Michael Construction for concrete replacement of the gazebo at Swimming Pool Park. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to approve the proposal from Leland Michael Construction for concrete replacement at the curb & gutters at the intersection of 1st Avenue & 3rd Street. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

Council Member Newhoff made a motion to approve the proposal from Leland Michael Construction for the main road-way of intersection of 1st Avenue & 3rd Street. Seconded by

council member Marquez. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

REPLAT

Council member Newhoff moved to the replat of Lots 2, 3, & 4, Block 10, Fifth Addition to South Bayard. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Marquez, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

APPROVAL OF BILLS

Council member Newhoff moved to approve all city bills and claims in the amount of \$176,770.06. Seconded by council member Kraus. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall. ARS \$71.49, Action Communication \$400.08, Advancing Technology \$300.00, AED Market \$10,244.00, AFLAC \$1,098.78, Airgas \$31.73, AST \$49.90, Allied Benefit Systems \$8,833.61, Arnold Pool Co. \$1,680.93, Bayard Automotive \$126.43, Tiger Paws \$1,183.84, Black Hills Energy \$471.85, Bluffs Facility Solutions \$312.97, BOK Financial \$750.00, Border States \$454.14, Bound Tree \$192.24, Capital Business Systems \$151.74, Cengage Learning \$282.94, CenturyLink \$136.14, Charter \$1,298.54, Child Support of WY \$298.14, City of Bayard \$15.00, City of Gering \$11,331.50, Gene Claver \$3,982.59, Connecting Point \$133.33, Contractors Materials \$81.00, Credit Management \$292.25, Culligan \$162.00, Renne Dabney \$105.32, Regina Defoe \$17.70, Dollar General \$30.75, Douglas Kelly Ostdiek \$1,609.75, Drug Collections \$215.12, Enviro Service \$40.00, Follett \$756.73, General Consolidated \$332.30, GreatAmerica \$235.00, Hawkins \$1,365.23, Ideal Linen \$254.57, Imperial Pump Solutions, Ingram \$475.42, John Deere \$54.48, Kuskie \$1,295.00, LNM \$1,453.00, MacQueen \$349.98, Matt Friend \$731.87, Menards \$845.41, Midtown Animal Hospital \$316.40, Midwest Salt \$5,637.69, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$33,682.23, NE Child support \$1,144.64, NE Enviro Lab \$263.00, NPPD \$49.50, NE State Fire Marshal \$81.00, John Hancock \$1,774.75, OPTK Networks \$300.00, COOP \$235.00, Jason Perkins \$419.56, Quadiant \$600.00, Rembolt/Ludtke \$3,200.00, Rocky Mountain Air \$147.40, Sandberg \$1,847.40, SBC Bldg & Zoning \$38.00, Simplot Growers \$3,277.00, Staples \$9.99, Titan Machinery \$2,513.08, Transcript \$339.60, US Bank \$3,658.11, Westco \$4.80 Westrn Ne Tourism \$100.00, Western States Bank \$353.06, Payroll \$59,483.50. **Total = \$176,770.06.**

CHIMNEY ROCK VILLA

Council member Newhoff moved to approve the Chimney Rock Villa Bills & Claims in the amount of \$215,027.13. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Kraus moved to approve up to \$16,730 in concrete work to be done at Chimney Rock Villa to be further discussed with the Villa committee meeting. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Marquez moved to approve paint bid from Lucius Brothers Painting in the amount of \$42,815.00. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

Council member Kraus moved to approve Librada Lowery to become a signer on the Chimney Rock Villa bank accounts and removing Connie Leever. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

LIFT STATION REPAIR

Council member Newhoff moved to approve the quote from Imperial Pump solutions in the amount of \$16,535.00 for repairs needed at the Lift Station. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

JACK HAMMER

Council member Marquez moved to approve the quote from Sandberg Implement for a new jack hammer attachment for the Skid Steer in the amount of \$6,973.00. Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

CONSENT AGENDA

Council member Newhoff moved to approve the consent agenda which included minutes from August 17th regular meeting and August 24th special budget meeting; Treasurer's reports, operational budget, fire department minutes & roster, and monthly round up for all departments.

Seconded by council member Henson. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION #1000

Council Member Newhoff made a motion to approve Resolution #1000 Municipal Annual Certification of Program Compliance; seconded by council member Henson. ROLL CALL: AYES: Marquez, Newhoff, Henson, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

RESOLUTION 1000

MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2021

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 a copy of a resolution of the governing body of the municipality authorizing the signing of the certification

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

SDL

Council member Marquez moved to approve an SDL for Bayard Depot Museum Sip & Sample to be held Friday November 12, 2021. Seconded by council member Henson. ROLL CALL: AYES: Marquez, Newhoff, Henson, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

ORDINANCE #856

Council Member Ouder Kirk introduced Ordinance #856 to the council. City Clerk/Treasurer Bowlin read the title. This ordinance will be placed on the next meeting for second reading.

Ordinance #856

AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA ESTABLISHING WATER RATES FOR CUSTOMERS OF THE CITY WATER SYSTEM; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES.

MAYOR APPOINTMENT

Mayor Schmall stated he has an invitation out to fill an empty seat in the CRA committee but has not heard from the person he has selected.

INTERCONNECTION POLICY & GUIDELINES AGREEMENT

Council member Newhoff moved to adopt the updated interconnection policy & guidelines as provided by NMPP. Seconded by council member Kraus. ROLL CALL: AYES: Marquez, Newhoff, Henson, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

FREE DUMP DAY

Council member Henson moved to approve having a free dump day on October 9, 2021 from 8 AM to Noon. Seconded by council member Kraus. ROLL CALL: AYES: Marquez, Newhoff, Henson, and Kraus. NAYS: None. Motion declared carried by Mayor Schmall.

PUBLIC COMMENT

None

ADJOURNMENT

Council member Marquez moved to adjourn at 8:24 P.M. Seconded by council member Newhoff. ROLL CALL: AYES: Henson, Newhoff, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Schmall.

G Schmall
Mayor

S Bowlin
City Clerk/Treasurer