

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers October 11, 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 October 5, 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, and Jamie Hernandez. Absent: Marty Marquez and Scot Ouderkirk. 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 Newhoff. ROLL CALL: AYES: Henson, Kraus, Newhoff, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

### **PUBLIC HEARING**

Mayor Schmall opened the public hearing at 7:02 P.M. on the 1- & 6-Year Street Plan. Mike Olsen with MC Schaff was available to talk about the plan and answer any questions. Utility Superintendent Coolidge stated that M-137(51) be changed. After all discussions Mayor Schmall closed the public hearing at 7:011 P.M.

Council member Newhoff made a motion to approve the 1- & 6-Year Street Plan the changes and Resolution #1014. Seconded by Council member Henson. ROLL CALL: AYES: Newhoff, Hernandez, Kraus, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

#### **RESOLUTION #1014**

At the regular meeting of the City Council of the City of Bayard, Nebraska, held in the City Hall on October 11, 2022, a hearing was held on the One (1) and Six (6) Year Street Improvement Program at 7:00 P.M., as advertised. Following a discussion by the City Council and citizens present, a motion was made to adopt the One (1) and Six (6) Year Street Improvement Program for the calendar year 2023. Roll call vote brought:” Yeas,   4  ; “Nays”,   0  . Motion carried.

I, the undersigned, duly qualified and acting Clerk of the City of Bayard, Nebraska, do hereby certify that the above is a true and certified copy of action passed on October 11, 2022, and I officially affix my signature and the seal of said City on this 11th day of October, 2022.

### **TIGER CUB CHILDCARE CENTER**

Council member Kraus moved to approve \$2,000 donation for scholarship to Bayard Tiger Cub Childcare Center. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Newhoff, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

### **CITY BILLS & CLAIMS**

Council member Newhoff moved to approve all city bills and claims in the amount of \$370,019.50. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall. A& A Port-a-Potties \$150.00, Action Communication \$36.39, Advancing Technologies \$225.00, AFLAC \$1,643.88, Airgas \$38.69, AST \$53.90, Bayard Automotive \$46.73, Bayard H.S. \$520.00, Bayard Tiger Paws \$2.39, Benzel \$90.00, Black Hills Energy \$375.09, Blackboard \$2,016.44, Border States \$571.42, Capital Business System \$317.15, CASH \$20.00, CenturyLink \$59.18, Charter \$1,766.57, Child Support of WY \$447.21, Chimney Rock PPD \$459.50, City of Gering \$11,630.79, Connecting Point \$84.60, Culligan \$145.00, Deere Credit \$336.52, Dollar General \$45.10, Enviro Service \$104.00, Flatwater Vet \$96.00, Frank Parts \$71.97, Fyr-Tek \$1,521.50, General Consolidated \$475.00, Great America \$235.00, Hawkins \$2,356.68, Becky Henkel \$170.39, Ideal Linen \$211.17, Imperial Pump \$1,991.58, Independent Plumbing \$289.88, Infinity Const \$87,249.21, Ingram \$1,447.99, Jacks Uniforms \$256.59, John Hancock \$2,517.23, Kinetic Leasing \$32,040.99, Kuskie \$2,724.40, Lincoln National \$114.22, MacQueen Equip \$282.94, MC Schaff \$9,340.70, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, MEAN \$29,336.54, NE Child Support \$1,716.96, NE Municipal Clerks \$100.00, NE Public Health \$241.00, NERWA \$300.00, NE Lib Commission \$500.00, NW Pipe \$287.71, One Call Concepts \$26.50, OPTK \$30.00, PADD \$1,003.20, Platte River Glass \$40.00, Quadient \$1,320.00, Regional West \$15.00, Rocky Mountain Air \$155.22, Team Chev \$357.40, Transcript \$212.02, US Bank \$1,823.77, Viaero \$54.02, Westco \$190.50, Western States Bank \$353.06. Payroll \$77,486.05.

### **MAGUIRE IRON**

Council member Newhoff moved to approve payment of invoice from Maguire Iron for Water tower painting up to \$46,232.00; pending clarification of \$1,400.00 charge. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Newhoff, Hernandez, and Henson. NAYS: None. Motion declared carried by Mayor Schmall.

## CHIMNEY ROCK VILLA

Council member Henson moved to approve the Chimney Rock Villa Bills & Claims as presented in the amount of \$348,973.14. Seconded by council member Newhoff. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

## DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports.

- **UTILITY REPORT** – Water tower back online; bladed streets & allies; swept streets; changed street lights; work on equipment; removed tress at lagoons.
- **PARK REPORT** – Normal watering and mowing for the month; lined and chalked field for both softball games; pool park sprinklers automated; final round-up sprayed for season; winterized concession stands and bathrooms.
- **POLICE REPORT** – 63 Assist the public, 33 assist other agencies, 0 accident investigations, 2 citation violations, 13 warning violations, 18 complaints, 8 investigations.
- **LIBRARY REPORT** – There were 560 books checked out in the month of September, the computer was used 29 times, 145 books checked out through overdrive; Library Director has been asked to be on the Board of Western Library Systems; going to Gering Library for workshop.
- **OFFICE REPORT** – Monthly reports, payroll, Meetings, fiscal year end reports; auditor preparations.
- **FIRE DEPARTMENT – Chief's Report** – No report received. **Rescue Report** – 13 Calls; 3 Football Standby's; 4 Transported by Bayard; 1 refusal; 1 Lift Assist; 3 Transported by Bayard – 1 was a delay on scene due to combative family 1 Transported by MC ALS- MVA Bayard stayed on scene and assisted with extrication. Miles with patient 86.9 total 205; Times 21 hours and 46 min in service. **Training Report** – Search & Rescue.

## CONSENT AGENDA

Council member Kraus moved to approve the consent agenda which included minutes from September 13 meeting; Treasurer's reports, operational budget and salary change 3% COLA – hourly: Connie K. \$14.38, Roberta R \$15.76, Stan T \$27.33, Mike Y \$24.16, Jason P \$24.16, Zak D. \$31.44, Jeff S \$25.70, Joe A \$12.88, Wendy B \$11.14, Kevin F. \$25.75, James A \$15.96 – yearly salary: Dan C \$60,934.80, Becky H \$39334.45, \$57,783.00. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Henson, Newhoff, and Hernandez. NAYS: None. Motion declared carried by Mayor Schmall.

## ORDINANCE 864

Council member Hernandez moved to approve Ordinance #864 – increasing electric rates. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Newhoff, Hernandez, and Henson. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

### ORDINANCE 864

AN ORDINANCE OF THE CITY OF BAYARD ESTABLISHING CHARGES FOR ELECTRICAL SERVICES FOR CUSTOMERS OF THE CITY OF BAYARD; AMENDING SECTION 54.01 OF THE CITY CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BAYARD, NEBRASKA, AS FOLLOWS:

Section 1: Section 54.01 of the City Code is hereby amended to provide as follows:

Electric Rates: The following rates and charges are hereby established for the sale of electrical energy by the City to Consumers for private and public purposes within the City beginning with the October 1, 2019 billing:

A. Residential Electric Service

Applicable: To single family residences and individually metered apartments for all domestic purposes when all service is supplied through a single meter.

Character of Service: 60 cycle, AC, single-phase, 120 volt. 2 wire; or 120/240 volt, 3 wire (optional with the system).

Each residential customer shall be charged a customer/meter fee of \$25.00 per month. In addition, the following charges shall be made for electrical energy on a monthly basis:

Summer

First 600 kWh, per kWh	\$0.15487
Over 600 kWh, per kWh	\$0.10810

Winter

First 600 kWh, per kWh	\$0.13998
Over 600 kWh, per kWh	\$0.10172

The above rate is available to one family residence or other equivalent.

The winter rates shall apply to the customer's prorated use from October 1 through May 31 and the summer rates shall apply to the customer's prorated use from June 1 through September 30.

B. General Electric Service

Applicable: To any customer that does not qualify for another rate schedule.

Character of Service: Single phase, or three phase if available, alternating current, electric service will be supplied at the system's standard voltages when

All service at one (1) location is measured by one (1) meter.

Each commercial customer including Commercial Lighting and Incidental Powers, commercial Heat and Refrigeration shall be charged a customer/meter fee of \$37.00 per month. In addition, the following charges shall be made for electrical energy on a monthly basis:

Summer

First 2400 kWh, per kWh	\$0.1740
Over 2400 kWh, per kWh	\$0.1348

Winter

First 600 kWh, per kWh	\$0.1703
Next 2400 kWh, per kWh	\$0.1542
Over 3000 kWh, per kWh	\$0.1159

C. General Electric Service-Demand

Applicable: Those customers that both of the following conditions apply to:

1. Customer with a demand greater than 100 kW in any two consecutive months during the most recent twelve (12) months;

2. Customer's energy usage is greater than 25,000 kWh for three or more consecutive months.

Customer will remain on this rate for the next twelve (12) months.

Character of Service: Single phase, or three phase if available, alternating current, electric service will be supplied at the system's standard voltages when all service at one (1) location is measured by one (1) meter.

Summer

Monthly Customer Charge	\$105.00
Demand Charge, per kW	\$18.00
plus	
All kWh, per kWh	\$0.07288

Winter

Monthly Customer Charge	\$105.00
Demand Charge, per kW	\$16.00
plus	
All kWh, per kWh	\$0.07288

D. Late Payment: The above schedules are subject to payment of bills on or before the tenth of the month following the billing period. If payment is made after the tenth, add ten percent (10%) of the charge of the total bill. However, the additional ten percent (10%) charge for payment after the tenth of the month following the billing period will not apply to Federal, State and local government agencies and governmental subdivision.

E. Power Factor Correction: If a customer fails to maintain a power factor of 90%, it will be charged for excess kVARs. Excess kVARs will be calculated as the Maximum kVARs for the billing period minus the product of the Monthly Demand multiplied by 0.4843 (representing a power factor of 90%). In order to provide the customer an opportunity to install corrective equipment, a customer will not be billed for power factor correction for the first three months after power factor correction is applicable.

F. Yard/Security Light: The City has in the past installed yard/security lights for residents of the City of Bayard. The monthly rate for a yard/security light shall be \$10.00. For lights already installed, the City shall be responsible for maintaining the light. The monthly fee shall be added to the customer electric utility bill.

If a customer elects to have a yard/security light installed for the benefit of their property they shall hire a licensed electrician to install the light fixture which shall be added to their electric bill. The light shall be run through the customer's electric meter for electricity charges.

## ORDINANCE 867

Council member Newhoff moved to waive the statutory requirement of three readings of Ordinance #867 – 35 MPH zones changed. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Newhoff, Hernandez, and Henson. NAYS: None. Mayor Schmall declared it waived.

Council member Newhoff moved to amend Ordinance #867 – MPH zones changed; to say 14<sup>th</sup> Street instead of corporate limits. Seconded by council member Henson. ROLL CALL: AYES:

Kraus, Newhoff, Hernandez, and Henson. NAYS: None. Mayor Schmall declared amendment approved.

Council member Newhoff moved to approve Ordinance #867 – MPH zones changed. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Newhoff, Hernandez, and Henson. NAYS: None. Mayor Schmall declared it passed, adopted, and ordered it published.

**ORDINANCE #867**

- A. No person shall operate a motor vehicle on Main Street within the corporate limits at a rate of speed greater than is reasonable and proper, having regard for the traffic and roadway and the condition of the street or at such a speed as to endanger the life, limb or property of any person, and under no circumstances in excess of speeds which are hereby declared to be prima facie lawful.

Speed Limit	Location
25 mph	Between the south corporate limits and Ninth/Canal Streets
35 mph	Between Ninth/Canal Streets and 14 <sup>th</sup> Street
20 mph	2nd Avenue between 11th and 13th Street
20 mph	13th Street between Main Street and 2nd Avenue

- B. Speed limits shall be plainly indicated by standard signs at or near the approaches to the corporate limits. The speed limit on all streets, other than Main Street, shall be 25 mph, except in school zones, where the speed limit shall be 20 mph. The governing body is hereby authorized to designate certain areas of streets of the city which are adjacent to and used frequently by school children as school zones by resolution.

**GROUNDS SUPERINTENDENT**

Discussion was held about updating duties of the Grounds Department and responsibilities of Grounds Superintendent, City Clerk Bowlin will work with City Attorney Ostdiek to update Ordinance and Resolutions for November meeting.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

Council member Newhoff moved to adjourn at 8:33 P.M. Seconded by council member Henson. ROLL CALL: AYES: Henson, Kraus, Newhoff, and Hernandez. NAYS: None. Motion declared adjourned by Mayor Schmall.

G Schmall  
Mayor

S Bowlin  
City Clerk/Treasurer