

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers May 9, 2023. City of Bayard, 445 Main Street, Bayard, Nebraska, 69334. Notice of the meeting having been published in the Bayard Transcript on May 3, 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 Henson, Diane Kraus, Marty Marquez and, Jamie Hernandez. Absent: Tanner Henkel. 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 Henson made a motion to approve the agenda. Seconded by council member Baird. ROLL CALL: AYES: Baird, Henson, Kraus, Marquez and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

GROCERY STORE COOP BILL

Council Member Baird made a motion to approve using Keno funds to pay Lawyer bill for Grocery Store Coop that has since been disbanded. Seconded by council member Henson. ROLL CALL: AYES: Henson, Kraus, Hernandez, and Baird. NAYS: None. ABSTAIN: Marquez. Motion declared carried by Mayor Ouderkirk.

CITY BILLS & CLAIMS

Council member Kraus moved to approve all city bills and claims in the amount of \$118,649.23. Seconded by council member Henson. ROLL CALL: AYES: Kraus, Marquez, Hernandez, Baird, and Henson. NAYS: None. Accelerated Receivables \$23.09, Action Communication \$230.35, Advancing Tech \$212.50, Aflac \$1,278.08, Airgas \$38.30, Alex Akin \$194.96, AST \$53.90, Allied Benefits \$8,245.00, Amazon Capital Services \$245.87, APCO \$125.00, Axon \$6,486.00, Bayard Automotive \$1,831.80, Bayard Tiger Club \$7,315.63, Bayard Tiger Paws \$30.87, Black Hills Energy \$2,294.83, Bound Tree \$2,407.49, Capital Business \$141.20, CenturyLink \$58.79, Charter \$668.84, Child Support of WY \$298.14, City of Gering \$11,594.18, Connecting Point \$77.80, Culligan \$151.50, Dollar General \$32.70, Douglas, Kelly Ostdiek \$1,387.25, Enviro Service \$50.00, FNBO \$353.06, General Consolidated \$446.72, GreatAmerica \$235.00, Ideal Linen \$215.10, Ingram \$1,402.38, Jack's Uniforms \$223.84, Jeff Quinn \$375.00, John Hancock \$1,760.68, Kuskie \$3,062.44, LARM \$3,760.61, Law Enfore. Coord. \$150.00, LNM \$425.00, Lincoln Life \$121.99, Tara McMurtry \$58.32, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,000.00, NE Child Support \$1,144.64, NE Public Health \$16.00, NE Total Office \$53.73, Nippon Life Benefits \$732.77, NW Pipe \$263.30, OPTK \$30.00, Pro Overhead \$247.75, Rocky Mtn. Air \$180.40, Sandberg \$52.00, Sandry \$372.50, Staples \$45.99, Transcript \$1,175.15, US Bank \$3,421.09, Wilco \$1,907.63, Payroll \$49,394.29. Motion declared carried by Mayor Ouderkirk

CHIMNEY ROCK VILLA

Council member Hernandez moved to approve the Chimney Rock Villa Bills & Claims as presented in the amount of \$294,633.00. Seconded by council member Baird. ROLL CALL: AYES: Marquez, Hernandez, Baird, Henson and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports.

- **UTILITY REPORT** – Bladed streets, swept streets, Trimmed trees, Fixed elect outages, meter orders, maintenance, water samples.
- **POLICE REPORT** – 36 Assist the public, 13 assist other agencies, 0 accident investigations, 1 citation violations, 7 warning violations, 5 complaints, 4 investigations. Tasers and equipment have arrived and are in use. Mike Youngquist put in notice.
- **LIBRARY REPORT** – There were 501 books checked out in the month of April, the computer was used 17 times, 157 books checked out through overdrive; Attended student showcase at elementary, attended training in Scottsbluff, will be attending online class on May 16th, Approved for \$1,440 for internet e-rate.
- **OFFICE REPORT** – Monthly reports, payroll, Meetings, Free Dump Day, Vet Clinic, Swimming Pool prep, building permits.

- **PARKS** – Sprayed Herbicide at Genoways Hall, Swimming Pool Park, Library, Baseball fields, & Chimney Rock Villa; Turned water on and fixed heads and valves that were broken; started repairs on Chimney Rock Villa sprinkler system; Sprayed 2,4-D at Parks, Baseball fields, and Villa; working on concession stand bathrooms; will be starting to spray weed killer on parking lots and Main Street.
- **FIRE DEPARTMENT – Rescue Report** 4 Transported by Bayard, 4 Tiered with Valley, 1 Tiered with ALS, 1 Transported by Valley, 1 Refusal, 1 No Transport – 12 Calls; 154.22 miles w/ patient, 420.7 total miles – 15 hours 50 minutes in service.

CONSENT AGENDA

Council member Henson moved to approve the consent agenda which included minutes from April 11th meeting; Treasurer’s reports, operational budget, and budget worksheet. Seconded by council member Baird. ROLL CALL: AYES: Hernandez, Baird, Henson, Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

RESOLUTION #1020

Council member Henson moved to approve Resolution #1020 for Chimney Rock Pioneer Days Parade permit. Seconded by council member Marquez. ROLL CALL: AYES: Baird, Henson, Kraus, Marquez, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk. COMES NOW the Mayor and City Council for the City of Bayard, Nebraska and hereby adopts the following resolution:

WHEREAS, the City of Bayard, Nebraska conducts a community celebration on September 8-10, 2023 which includes Pioneer Days parade from 10:00 a.m. until 1:00 p.m. on the 9th; and

WHEREAS, LB 589 passed by the Nebraska Legislature modifies Neb. Rev. Stat. § 39-1359 providing for special event closure of state highways; and

The following resolution is hereby adopted:

1. The City of Bayard will conduct its Pioneer Days celebration and Pioneer Days parade on September 9, 2023 10:00 a.m. until 1:00 p.m.
2. State Hwy 26 aka Main Street from mile marker 44 north to mile marker 47 south shall be closed from 10:00 a.m. until 1:00 p.m. This road is located within the corporate limits of the City of Bayard.
3. The City shall take steps to protect the highway property from damage that may occur arising from the special event and the State shall not have any duty to maintain or protect the roadway during the time the road is closed for the special event.
4. The City assumes any existing statutory or common law duty to protect the public from damage, injury or death during the use by the City of the State highway for the special event.
5. The City hereby acknowledges that it accepts the duties set out in the statutory provisions referred to above and if claim is made against the State, shall notify, defend, and hold harmless State from all claims, demands, accidents, damages and liability, including reasonable attorney’s fees that may arise as a result of the use of the highway for the special event.
6. The City acknowledges its obligation to place advance warnings and/or detour signs as governed by the manual on uniform traffic control devices which shall apply to and arise out of the closure of the highway for the special event. The City acknowledges a responsibility to obtain signs meeting the manual on uniform traffic control devices requirements.

PASSED AND APPROVED THIS 9th day of May, 2023.

ORDINANCE 871

City Clerk/Treasurer Bowlin read the title of Ordinance #871.

PURCHASE ROCK BUCKET

Council member Baird moved to approve purchase of 68” Rock Bucket attachment for Skid Steer. Seconded by council member Marquez. ROLL CALL: AYES: Henson, Kraus, Marquez, Hernandez, and Baird. NAYS: None. Motion declared carried by Mayor Ouderkirk.

SWIMMING POOL PRICES

Council member Henson moved to approve prices for Swimming Pool season. Seconded by council member Hernandez. ROLL CALL: AYES: Kraus, Marquez, Hernandez, Baird, and Henson. NAYS: None. Motion declared carried by Mayor Ouderkirk.

BUDGET WORKSHOPS

Discussion was held between councilmembers and the clerk to hold the first budget workshop on June 27th at 6 PM and other dates to be set at a later date.

PUBLIC COMMENT

None.

ADJOURNMENT

Council member Baird moved to adjourn at 7:50 P.M. Seconded by council member Kraus.

ROLL CALL: AYES: Marquez, Hernandez, Baird, Henson and Kraus. NAYS: None. Meeting declared adjourned by Mayor Ouderkirk.

S Ouderkirk.

Mayor

S Bowlin

City Clerk/Treasurer