

The Mayor and City Council of the City of Bayard, Morrill County, State of Nebraska, met in a regular session in the Council Chambers August 13, 2024. City of Bayard, 445 Main Street, Bayard, Nebraska, 69334. Notice of the meeting having been published in the Bayard Transcript on August 7, 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, Jamie Hernandez, Marty Marquez, and Diane Kraus. 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 Marquez 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.

CHIMNEY ROCK PIONEER DAYS

Kelli Neiger with Pioneer Days Committee came before council to ask for additional road closures, use of city owned lots and to be able to have a larger space for liquor in the park and along parade route. After much discussion it was determined that the additions to expanding liquor would not work within State Statues, however council agreed to closing additional road for more vendors and to allow use of two additional city lots. The additional road closures will include: blocking the alley between Main and Avenue A from 4th Street to 6th Street; closure of 5th Street from Main to Avenue B; and Avenue A from 5th to 6th Street. Council member Baird made motion; seconded by council member Kraus. ROLL CALL: AYES: Dudden, Henkel, Hernandez, Kraus, Marquez and Baird. NAYS: None. Motion declared carried by Mayor Ouderkirk.

SUPPLEMENTAL INSURANCE

Will Arthur with Empower Financial Group came before council to present an option for supplemental insurance. This insurance is presented as a no cost tax savings for both the employee and the employer. Council will be having further conversations about whether they want to add this benefit.

PURCHASES FOR FIRE DEPARTMENT DISPATCHING

Council member Hernandez made a motion to approve the purchase of new Antenna for Fire Department Dispatching in the amount of \$5,881.07. Seconded by council member Dudden. 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 the purchase of updated equipment for Fire Department Repeater in the amount of \$12,088.00 to be paid in the new fiscal year. Seconded by council member Henkel. ROLL CALL: AYES: Hernandez, Kraus, Marquez, Baird, Dudden, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

CITY BILLS & CLAIMS

Council member Baird moved to approve all city bills and claims in the amount of \$217,273.57. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Marquez, Baird, Dudden, Henkel, and Hernandez. NAYS: None. A&A Porta Potties \$535.00, Accelerated \$388.57, Action communications \$36.75, Aflac \$1,431.02, Airgas \$67.99, AST \$53.90, Allied Benefits \$25,718.65, Altec \$2,561.28, Amazon \$363.20, AT&T \$379.96, Bayard Automotive \$46.09, Black Hills \$44.92, Bluffs Sanitary \$229.22, Border States \$251.87, Bound Tree \$2,466.28, Capital Business System \$270.71, CenturyLink \$59.32, Charter \$1,218.06, Chimney Rock PPD \$461.30, City of Gering \$12,423.94, City of Kimball \$3,556.65, Connecting Point \$109.41, Contractors \$659.00, Culligan \$156.00, Demco \$267.01, Dollar General \$10.40, Douglas, Kelly, Ostdiek \$829.00, Zak Douglass \$21.29, Drug Collections \$104.00, Enviro Service \$185.00, Farmers Irrigation \$299.66, Flatwater Vet \$256.00, FNBO \$529.59, Fyr-Tek \$609.80, General Consolidated \$506.27, Great America \$149.99, Ideal Linen \$324.32, Independent Plumbing \$744.88, Infinity Construction \$13,240.00, Ingram \$1,022.09, Intralinks \$1,075.82, Jacks Uniforms \$372.48, John Hancock \$2,498.88, Kuskie \$1,785.17, LONM \$850.00, LOMN \$2,113.00, Lincoln Life \$125.88, LL Johnson \$898.39, Craig Longmore \$44.02, Macqueen \$250.18, Menards \$1,013.59, Mission Communications \$347.40, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$1,500.00, MEAN \$30,319.85, Municipal Supply \$1,039.86, NE Child Support \$708.93, NLETC \$160.00, NE Life \$30.00, NE Power Review Board \$161.51, NE Public Health \$289.70, Nippon Life \$636.26, NW Pipe \$1,470.23, OPTK \$15.00, Stephanie Perkins \$260.00, Barbara Pieper \$199.71, Print Works \$20.90, Quadient \$552.74, Rocky Mountain Air \$178.00, Sargent \$25,817.54, Simmon

Olsen \$122.50, Transcript \$506.61, US Bank \$2,526.32, Viaero \$27.42, Payroll \$66,617.29. 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 \$262,811.82. Seconded by council member Hernandez. ROLL CALL: AYES: Marquez, Baird, Dudden, Henkel, Hernandez, and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

DEPARTMENT HEAD MONTHLY REPORTS

All department heads gave their reports.

- **UTILITY REPORT** – Street repair done at 4th Street by the school, pumps are in the treatment plant but not fully hooked up, installed water service, work on bucket trucks is being done.
- **POLICE REPORT** – 21 Assist the public, 8 assist other agencies, 0 accident investigations, 1 citation violations, 4 warning violations, 9 complaints, 0 investigations.
- **LIBRARY REPORT** – There were 741 books checked out in the month of July, the computer was used 17 times, 151 books checked out through Overdrive, had pool party for end of summer reading, zoo came with animals, Library annual meeting was at Wildcat Hills.
- **OFFICE REPORT** – Monthly reports, payroll, Committee Meetings; Swimming Pool, Budget, working on Park equipment grant.
- **PARKS** – fixed leak at villa, spray weeds on Main Street and at businesses along Main, will be fertilizing parks, and have parts to repair baseball field sprinklers.

CONSENT AGENDA

Council member Baiard moved to approve the consent agenda which included minutes from July 9th and July 16th Meetings; Treasurer's Reports, Operational Budget, and Fire Department July and August Minutes and Rosters. Seconded by council member Dudden. ROLL CALL: AYES: Baird, Dudden Henkel, Hernandez Kraus, and Marquez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

POLICE POLICY

Council member Baird moved for passage of Police Body Armor Policy. Seconded by council member Henkel. ROLL CALL: AYES: Dudden, Henkel, Hernandez, Kraus, Marquez, and Baird. NAYS: None. Mayor Ouderkirk declared it carried by Mayor Ouderkirk.

RESOLUTION #1042

Council member Kraus moved to approve Resolution #1042 Calling an Election for General Swimming Pool Bond. Seconded by council member Baird. ROLL CALL: AYES: Henkel, Kraus, Marquez, Baird, and Dudden. NAYS: Hernandez. Motion declared carried by Mayor Ouderkirk.

BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF BAYARD, NEBRASKA:

Section 1. The City Council (the "Council") of City of Bayard, Nebraska (the "City") hereby finds and determines that the City is duly organized and validly existing as a city of the second class under and pursuant to Chapter 17, Reissue Revised Statutes of Nebraska, as amended, the City embracing territory having a population of more than 800 but less than 5,000 inhabitants.

Section 2. The Council further finds and determines that (a) it is necessary, desirable, advisable and in the best interest of the City to pay the costs of constructing, improving, equipping and furnishing property owned by the City for recreational purposes, to include a new swimming pool, (collectively, the "Project") pursuant to Sections 17-950, Reissue Revised Statutes of Nebraska, as amended (the "Act"); (b) to pay the costs of the Project, it is necessary that general obligations bonds of the City in an amount not to exceed Four Million Dollars (\$4,000,000) be issued pursuant to the Act for the purpose of paying the costs of the Project; and (c) a proposition for the issuance of bonds for the purpose of the Project has not been submitted to the electors of the City within six months preceding the date of the election called by this Resolution.

Section 3. A special election is hereby called and shall be held in the City in conjunction with the statewide general election on November 5, 2024, at which election there shall be submitted to the qualified electors of the City the following proposition for the Project (the "Proposition"):

"Shall the City of Bayard, Nebraska, borrow money and pledge the property and credit of the City upon its negotiable bonds in the principal amount of not to exceed Four Million Dollars (\$4,000,000) for the purpose of costs of constructing, improving, equipping and furnishing property owned by the City for recreational purposes, to include a new swimming pool; with such bonds to be issued in one or more series, at such time or times, to bear interest at such rate or rates, to be sold at such prices and to become due at such time or times as may be fixed by, or determined at the direction of the Mayor and Council of the City of Bayard; and

"Shall the City cause to be levied and collected annually a special levy of taxes on the taxable value of all the taxable property in the City, in addition to all other taxes, if not paid from other revenue sources, in an amount sufficient to pay the principal of and interest on said bonds as such principal and interest become due?"

If a majority of the votes cast upon such question shall be in favor of such bonds and tax, then the Mayor and Council of the City shall be empowered to issue such bonds and to impose a tax upon all of the taxable property in the City, if not paid from other revenue sources, sufficient to pay the interest on and principal of such bonds as the same shall fall due. If a majority of those voting on the question shall be opposed to such bonds and tax, then the Mayor and Council of the City shall not issue such bonds or impose such tax.

The ballots to be voted on and cast at such election shall have printed thereon the foregoing proposition with the words "FOR such bonds and tax" and "AGAINST such bonds and tax" following each proposition.

Qualified electors voting in favor of a proposition shall blacken the oval opposite the words "FOR such bonds and tax" following such proposition, and qualified electors voting against such proposition shall blacken the oval opposite the words "AGAINST such bonds and tax" following such proposition.

Section 4. Notice of such election and a copy of the sample ballot for the Proposition shall be published pursuant to the Election Act, or as otherwise provided by law.

Section 5. The Clerk is hereby authorized and directed to certify a copy of this Resolution by September 1, 2024, to the County Clerk of Morrill County, Nebraska, who shall designate the polling places, appoint the election officials and otherwise conduct the election as provided by law. The City hereby agrees to reimburse such County Clerk for the expenses of conducting the election.

Section 6. The form of ballot and form of notice for such bond election shall be in the form attached to this Resolution as Attachment I, with such additions and changes determined appropriate by the County Clerk. The City Clerk is hereby authorized and directed in conjunction with the County Clerk conducting the election, to arrange for the printing of the necessary ballots for such election and to do all other things and to take all other appropriate or necessary action in order to cause the Proposition to be submitted to the qualified electors of the City as above provided.

Section 7. This Resolution shall take effect and be in force from and after its passage as provided by law.

PUBLIC COMMENT

Bill Ferrero with Pastor of Church of Christ will be having a 24-hour prayer starting at 6 PM on Friday night, they will be praying for the businesses of Bayard, Schools, and City. Everyone is welcome to attend.

ADJOURNMENT

Council member Dudden moved to adjourn at 8:41 P.M. Seconded by council member Kraus. ROLL CALL: AYES: Marquez, Kraus, Hernandez, Henkel, Dudden, and Baird. NAYS: None. Meeting declared adjourned by Mayor Ouderkirk.

S Ouderkirk.
Mayor

S Bowlin
City Clerk/Treasurer