

The Mayor and City Council of the City of Bayard, County Morrill, State of Nebraska, met in a regular session in the Council Chambers December 9, 2025. City of Bayard, 445 Main Street, Bayard, Nebraska, 69334. Notice of the meeting having been published in the Bayard Transcript on December 3, 2025. An agenda for the meeting was made available to the Mayor and each of the Council Members prior to the meeting. Present was Mayor Scot Ouderkirk and Council Members: Chris Baird, Garrett Schukei, Jamie Hernandez, Tanner Henkel, 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 Baird made a motion to approve the agenda. Seconded by council member Kraus. ROLL CALL: AYES: Baird, Henkel, Hernandez, Kraus Marquez, and Schukei. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **PUBLIC HEARING AND ORDINANCE 893**

Mayor Ouderkirk opened the Public Hearing for dividing Lot 3, Block 2, First Addition to South Bayard, Morrill County at 7:04 P.M.

Planning Commission met and forwarded a favorable recommendation for the division of the above lot. Greg and Vickie Schmall were requesting purchase of North half of Lot 3; the South half will remain with Lot 4.

After no other public comment, the hearing was closed at 7:07 P.M.

Council member Baird moved to approve waiving three readings for Ordinance #893 dividing Lot 3, Block 2, First Addition to South Bayard, Morrill County. Seconded by Council Member Marquez. ROLL CALL: AYES: Henkel, Hernandez, Kraus, Marquez, Schukei, and Baird. NAYS: None. Motion to suspend statutory requirement is adopted by three-fourths of the council, motion suspended by Mayor Ouderkirk.

AN ORDINANCE OF THE CITY OF BAYARD APPROVING DIVIDING LOT 3, BLOCK 2, FIRST ADDITION TO SOUTH BAYARD, MORRILL COUNTY, NEBRASKA, INTO THE NORTH HALF OF LOT 3, BLOCK 2, BAYARD, MORRILL COUNTY, NEBRASKA AND THE SOUTH HALF OF LOT 3, BLOCK 2, BAYARD, MORRILL COUNTY, NEBRASKA; 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: LOT 3, BLOCK 2, FIRST ADDITION TO SOUTH BAYARD, MORRILL COUNTY NEBRASKA, is divided into the NORTH HALF (N1/2) of LOT 3, BLOCK 2, FIRST ADDITION TO SOUTH BAYARD, MORRILL COUNTY NEBRASKA and the SOUTH HALF (S1/2) OF LOT 3, BLOCK 2, BAYARD, MORRILL COUNTY, NEBRASKA, and is hereby approved by the Mayor and City Council of the City of Bayard, Nebraska.

Section 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3: This Ordinance shall become effective after its passage, approval, and publication according to law.

Council member Baird moved for final passage of Ordinance #893 dividing Lot 3, Block 2, First Addition to South Bayard, Morrill County. Seconded by Council Member Schukei. ROLL CALL: AYES: Hernandez, Kraus, Marquez, Schukei, Baird, and Henkel. NAYS: None. Motion declared passed by Mayor Ouderkirk who declared ordinance passed, adopted and ordered it published.

### **SOLID WASTE CONTRACT**

Council member Baird moved to approve agreement from the City of Gering for Don's Services to purchase containers from the City of Gering. Seconded by council member Schukei. ROLL CALL: AYES: Kraus, Marquez, Schukei, Baird, Henkel, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Hernandez moved to approve contract with Don's Services LLC for solid waste removal for the City of Bayard. Seconded by Council Member Schukei. ROLL CALL: AYES: Marquez, Schukei, Baird, Henkel, Hernandez, and Kraus. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **CITY BILLS & CLAIMS**

Council member Hernandez moved to approve all city bills and claims in the amount of \$201,893.51. Seconded by council member Baird. ROLL CALL: AYES: Schukei, Baird, Henkel Hernandez, Kraus, and Marquez. NAYS: None. 308 Plumbing \$304.00, Action Communications \$144.13,

Aflac \$1,633.80, Airgas \$245.15, AirMed \$825.00, AST \$53.90, Al's Market \$4,471.50, Amazon \$106.16, Applied Concepts \$262.50, ASCAP \$445.00, AT&T \$380.94, Axon \$610.00, Bayard Automotive \$177.07, Benzel \$179.76, Black Hills Energy \$1,579.42, Bluffs Sanitary \$9.26, Border States \$2,600.70, Bound Tree \$1,522.54, Ed Campos \$100.00, Mike Cerny \$16.25, Charter \$463.95, Chimney Rock PPD \$145.35, Chimney Rock Villa- UHC \$7,388.99, City of Gering \$12,729.64, Connecting Point \$108.39, Contractors \$136.00, Cornhusker Press \$88.95, Credit Mgmt \$440.32, Culligan \$175.50, DAS State \$44.00, Dollar General \$29.02, Douglas Kelly Ostdiek \$1,926.50, Enviro Service \$60.00, Equitable \$452.98, General Consolidated \$100.00, GreatAmerica \$149.99, Gworks \$18,000.00, Ideal Linen \$231.73, Ingram \$986.08, Intralinks \$684.00, John Hancock \$1,892.19, Kuskie \$872.30, Lincoln Life \$124.71, Menards \$130.71, Morrill Co Attorney \$150.00, Morrill Co Sheriff \$2,500.00, MEAN \$30,402.29, NWEA \$9,948.66, NE Public Health \$77.75, NRWA \$350.00, OPTK \$30.00, Panhandle Power \$7,512.00, Pioneer Woman \$24.00, POAN \$30.00, Quadient \$600.00, Rocky Mtn. Air \$263.28, Charles Scheppy \$342.00, 21<sup>st</sup> Century \$23,307.13, US Bank \$2,059.60, WY First Aid \$94.91, Payroll \$61,143.51. 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 \$284,822.72. Seconded by council member Kraus. ROLL CALL: AYES: Baird, Henkel, Hernandez, Kraus, Marquez, and Schukei. NAYS: None. Motion declared carried by Mayor Ouderkirk.

Council member Kraus moved to add Alicia Hassel to become a signer to the Chimney Rock Villa Resident Account. Seconded by council member Hernandez. ROLL CALL: AYES: Henkel, Hernandez, Kraus, Marquez, Schukei, Baird. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **DEPARTMENT HEAD MONTHLY REPORTS**

All department heads gave their reports.

- **UTILITY REPORT** – replaced street lights, cleaning storm drains, hung Christmas lights, pot hole repair.
- **POLICE REPORT** – 29 assist the public, 15 assist other agencies, 1 accident investigation, 1 citation violation, 3 warning violations, 3 complaints, and 3 investigations.
- **LIBRARY REPORT** – There were 700 books checked out in the month of November, the computer was used 19 times, 169 books checked out through Overdrive
- **OFFICE REPORT** – Monthly reports, payroll, Meetings, Utility Rate Changes, LB840, Board of Health, Planning Commission, Ordinances, Utility Billing.
- **PARKS** – Done for the season.

### **CONSENT AGENDA**

Council member Baird moved to approve the consent agenda which included minutes from November 18th meeting; Treasurer's reports, and operational budget. Seconded by council member Henkel. ROLL CALL: AYES: Hernandez, Kraus, Marquez, Schukei, Baird, and Henkel. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **STAIR CHAIR TRAX**

Council member Hernandez made a motion to approve purchase of Stair Chair Kit in the amount of \$5,098.40. Seconded by council member Kraus. ROLL CALL: AYES: Kraus, Marquez, Schukei, Baird, Henkel, and Hernandez. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **ORDINANCE 891**

Council member Baird made a motion to waive the additional two readings for Ordinance #891 Amending Garbage Rates. Seconded by council member Schukei. ROLL CALL: AYES: Marquez, Schukei, Baird, Henkel, Hernandez, and Kraus. NAYS: None. Motion to suspend statutory requirements is adopted by three-fourths of the council, motion suspended by Mayor Ouderkirk.

**AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING SECTION 51.04 OF THE CITY CODE CONCERNING SERVICE RATES FOR GARBAGE COLLECTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE.**

NOW THEREFORE, be it ordained by the Council of the City of Bayard, in the State of Nebraska, as follows:

SECTION 1: AMENDMENT “51.04 Service Rates” of the City of Bayard Municipal Code is hereby amended as follows:

AFTER AMENDMENT

51.04 Service Rates

A. The following rates for garbage collection service are hereby established:

Each one-family unit or apartment within the city limits	\$25.00 per month
Each one-family unit or apartment abutting the city limits	\$28.00 per month
Each commercial or business establishment within the city limits which has a shared container with other commercial or business establishments and one weekly pickup	\$30.50 per month
Each commercial or business establishment outside the city limits which has a weekly pickup	\$91.00 per month
Each commercial or business establishment which has a shared container and two (2) pickups per week	\$59.00 per month
Each commercial or business establishment which as one container not shared and weekly pickup	\$58.00 per month
Each commercial or business establishment which has one container and 2 pickups per week	\$114.00 per month
Each large commercial or business establishment which has two (2) containers and two (2) pickups per week	\$226.00 per month
Each large commercial or business establishment which has 3 containers and picked up weekly	\$170.00 per month
Each large commercial or business establishment which has 3 containers and 2 pickups per week	\$338.00 per month

- B. There is an additional \$2.50 per month for small businesses with residential size lots for use of containers designated for disposal of leaves, grass, clippings and garden debris, which will be picked up once per week (April 1 to October 15).
- C. Business or commercial establishments that have lawns or grassed areas larger than residential lots will be charged an additional \$5.00 per month for use of containers designated for disposal of leaves, grass clippings and garden debris, which will be picked up once per week. This charge is in addition to the rates set forth above.
- D. Tree limbs which are cut in lengths of more than four feet (4') will be the responsibility of the resident to dispose of.
- E. The foregoing charges will be payable at the office of the City Clerk in advance on or before the 10th day of each month. These rates shall go into effect January 1, 2026.
- F. All refuse of any nature except leaves, grass clippings and garden debris shall be placed in the containers labeled for garbage and trash. Any refuse which is not in a container will be the responsibility of the resident to dispose of. Leaves, grass clippings and garden debris shall only be placed in the containers labeled for leaves, grass clippings and garden debris.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: EFFECTIVE DATE This ordinance shall take effect after its passage, approval and publication according to law.

Council member Baird made a motion for final passage of Ordinance #891 Amending Garbage Rates. Seconded by council member Marquez. ROLL CALL: AYES: Schukei, Baird, Henkel, Hernandez, Kraus, and Marquez. NAYS: None. Motion declared passed by Mayor Ouderkirk who declared ordinance passed, adopted and ordered it published.

NDOT MAINTENANCE AGREEMENT

Council member Hernandez moved to approve signing the Maintenance Agreement from the NDOT for 2026. Seconded by council member Schukei. ROLL CALL: AYES: Baird, Henkel,

Hernandez, Kraus, Marquez, and Schukei. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **RESOLUTION #1058**

Council member Baird moved to approve Resolution #1058 Year-End Certification of Street Superintendent. Seconded by council member Schukei. ROLL CALL: AYES: Henkel, Hernandez, Kraus, Marquez, Schukei, and Baird. NAYS: None. Motion declared carried by Mayor Ouderkirk.

### **PUBLIC COMMENT**

None.

### **ADJOURNMENT**

Council member Marquez moved to adjourn at 8:06 P.M. Seconded by council member Baird. ROLL CALL: AYES: Hernandez, Kraus, Marquez, Schukei, Baird, and Henkel. NAYS: None. Meeting declared adjourned by Mayor Ouderkirk.

S Ouderkirk.

Mayor

S Bowlin

City Clerk/Treasurer