

MINUTES

March 12, 2019

The Village Board of Trustees held a Regular Meeting on Tuesday, March 12, 2019 at 7:30 PM at the Village Hall by posting in the Holdrege Daily Citizen on February 28, 2019 and at the Post Office, First State Bank, and Village Office. Present were Chairman TJ Wilcox and Trustees Robert Dahlgren, Lucas Evans, Brian Schroeder, and Fred Spiegel. Dahlgren joined the meeting at 7:36 PM.

The Chairman publicly stated to all in attendance that a copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

On a motion by Spiegel, seconded by Schroeder, the minutes for the Regular Meeting on February 12 and the minutes for the One- and Six-Year Hearing held on February 12, 2019 were approved. Voting Aye, Spiegel, Schroeder, Evans, Wilcox.

On a motion by Spiegel, seconded by Schroeder, the financials for the month of February were accepted. Voting Aye, Spiegel, Schroeder, Evans, Wilcox.

On a motion by Schroeder, seconded by Spiegel, the payable to Jessica Evans in the amount of \$378.99 was accepted. Voting Aye, Schroeder, Spiegel, Wilcox. Abstaining, Evans. On a motion by Evans, seconded by Spiegel, the payables for the Bertrand Fire Department in the amount of \$3,891.30 were accepted. Voting Aye, Evans, Spiegel, Wilcox. Abstaining, Schroeder. On a motion by Evans, seconded by Spiegel, the payable to Brian Schroeder in the amount of \$259.63 was accepted. Voting Aye, Evans, Spiegel, Wilcox. Abstaining, Schroeder. On a motion by Schroeder, seconded by Evans, the remaining payables in the amount of \$108,635.24 were accepted. Voting Aye, Schroeder, Evans, Spiegel, Wilcox.

AR-Auto Repair	EMS-EMS Billing	EQ-Equipment
ER-Equipment Repair	FP-Food Pantry	FR-Freight
FU-Fumigation	GA-Garbage Collection	GO-Gas, Oil
GR-Gravel	GT-Grant	INS-Insurance
INT-Internet	LAB-Labor	LEG-Legal
LF-Landfill	LP-Lease Payment	MI-Miscellaneous
MIL-Mileage/Meals	PF-Professional Fees	PP-Printing/Publishing
OS-Operating Supplies	SCH-Schooling	SR-Snow Removal
ST-Sales Tax	SU-Supplies	TE-Telephone
UT-Utilities	WT-Water Testing	

<u>CEMETERY</u>		<u>POOL</u>	
Salaries/Taxes/Benefits	181.72	American Red Cross (card) SU	173.73
	181.72	Black Hills Energy UT	16.47
<u>FIRE DEPARTMENT</u>		Frontier TE	70.80
Airgas SU	218.66	Southern Power UT	56.00
Awards Plus MI	413.72		317.00
Black Hills Energy UT	440.65	<u>SEWER</u>	
Blue Moose Bar & Grill MI	1,207.00	Salaries/Taxes/Benefits	1,675.33
C Plus GO	54.97	C Plus GO	15.97
Danko Emergency Equipment EQ	99.60	Southern Power UT	288.48
Dearborn National INS	172.00	Tri City Auto AR	7.50
EMS Billing EMS	131.90	Verizon TE	14.37
Frontier TE	60.12		2,001.65
Jessica Evans MI	378.99		

<u>FIRE DEPARTMENT (cont.)</u>		<u>STREET</u>	
Matheson EQ	86.02	Salaries/Taxes/Benefits	5,087.70
Smoke Eaters Publications PF	208.00	Barco Municipal SU FR	223.35
Southern Power UT	162.00	Black Hills Energy UT	218.91
Spectrum INT	167.66	C Plus GO	622.29
The Auto Shack ER	50.00	CHS GO SU	74.02
Verizon TE	40.01	Holdrege Daily Citizen PP	22.57
	3,891.30	Jerry Johnson SR	120.00
<u>GARBAGE COLLECTION</u>		Jim Bennett SR	36.00
US Post Office OS	92.71	Landmark Implement SU	369.62
Waste Connection of NE GA	5,740.27	Michael Todd SU FR	507.34
	5,832.98	Orschlen's (card) SU	16.04
<u>GENERAL</u>		Overton Sand & Gravel GR	202.11
ATC Communications INT	35.60	Ralph's Welding ER SU	70.23
Black Hills Energy UT	130.06	S & W Auto Parts SU GO	42.73
Cash Statement MI	1.30	Southern Power UT	1,459.35
Countryside Market FP OS	129.19	Tri City Auto Parts AR	7.50
Davis Equipment GT	27,500.00	Unitech SU	99.00
Dewald Deaver L'Heureux LEG	41.25	Verizon TE	68.50
Eakes Office Solutions PF	641.95		9,247.26
EMC Insurance INS	21,446.00	<u>WATER</u>	
Frontier TE	156.08	Salaries/Taxes/Benefits	12,670.76
Holdrege Daily Citizen PP	92.13	Black Hills Energy UT	292.00
Hometown Leasing LP	110.24	C Plus GO SU	40.19
Marriot Hotels (card) SCH	290.04	EMC Insurance INS	21,446.00
One Call Concepts PF	1.15	Frontier TE	78.09
Brian Schroeder MIL	259.63	NE Department of Revenue ST	1,367.66
Southern Power UT	161.00	Southern Power UT	1,300.00
UNO (card) SCH	221.50	Tri City Auto Parts AR	15.00
US Post Office OS	150.26	UNO (card) SCH	221.50
Woodward's Disposal MI	10.00	US Post Office OS	150.27
	51,377.38	Verizon TE	28.74
<u>LAW ENFORCEMENT</u>		Woodward's Disposal MI	10.00
Salaries/Taxes/Benefits	1,167.32		37,620.21
C Plus GO	38.14	<u>YARD WASTE/RECYCLING</u>	
Phelps County EQ	495.00	Salaries/Taxes/Benefits	181.70
Phelps County Treasurer PF	10.00	Frontier TE	123.66
	1,710.46	Reliable Pest Control FU	43.00
<u>PARK</u>			348.36
Salaries/Taxes/Benefits	514.84		
Southern Power UT	122.00		
	636.84		

Amy Grube, Nursing Home & Assisted Living Administrator, and Janet Lytton, RHD Representative, gave the Nursing Home & Assisted Living report. The ending census for the month of January had the Nursing Home at 22 residents and the Assisted Living at 11 residents. Grube informed the Board that she is currently working on completing a few grant applications.

On a motion by Schroeder, seconded by Dahlgren, the financials for the month of January were accepted. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox.

On a motion by Schroeder, seconded by Spiegel, the payable to the Chamber of Bertrand for \$50.00 and the payable to the First State Bank for \$1,879.10 were accepted. Voting Aye, Schroeder, Spiegel, Evans, Wilcox. Abstaining, Dahlgren.

On a motion by Schroeder, seconded by Evans, the remaining payables for the month of March in the amount of \$158,358.77 were accepted. Voting Aye, Schroeder, Evans, Dahlgren, Spiegel, Wilcox.

NURSING HOME			
Salaries/Taxes/Benefits	86,193.24	Leading Age of NE	740.00
AACO Health Care System	11,014.00	Marlin Business Bank	506.29
American Healthtech	397.38	McCormack Distributing	846.45
AMGL	100.85	McKesson	2,242.52
Arapahoe Public Mirror	14.00	Nationwide	3,070.73
Barb Metzger	285.60	Nurses Incorporated	4,866.75
Black Hills Energy	1,820.81	Oak Haven Aviaries	274.95
Briggs	28.79	Penny Martinez	45.64
C Plus	539.88	Petty Cash	171.27
Cash-wa Distributing	2,780.13	Prioricare Staffing	327.57
Central Valley Electric	142.68	Providence Engraving	24.82
Chamber of Bertrand	50.00	Quill	365.70
Charter	84.99	Reliable Pest Control	41.00
Compufact	33.00	RHD	10,756.00
Countryside Market	324.69	Secrest LTC Consulting	533.52
Culligan of Kearney	47.50	Shane Smith	300.00
D & M Security	120.00	Southern Power	3,168.64
Direct TV	354.04	SpartanNash	143.01
Dollar General	39.32	Stanley Healthcare	516.50
EZ Way	669.50	Stericycle	115.34
Family Medical Specialties	275.00	Sysco	11,044.23
First State Bank	1,879.10	The Harry Koch Co.	5,169.19
Frontier	588.07	The Waldinger Corporation	629.54
HCIS	80.00	Unitech	198.00
Hobart	36.83	Village of Bertrand	502.17
Holdrege Daily Citizen	48.72	WeCare	1,628.00
Holdrege Pharmacy	4,088.17	Woodward's Disposal	23.75
			160,2857.87

James Nelson, Village Ordinance Officer, gave the Ordinance Officer Report. He informed the Board that the vehicle that was purchased from Phelps County is now available for him to use. He has dealt with a few semitruck parking issues. Nelson suggested that a sign be placed at the Truck Parking lot to inform drivers of the licensing requirements and time limits to parking. He can now run plate numbers, so he will be focusing on abandoned vehicles throughout the town and sending letters to the corresponding owners of such.

Ron Tillery, PCDC Representative, presented the Board with the Phelps County Development District's annual report. Some key points that were pointed out included the following: Allmand Bros./Briggs & Stratton have selected Holdrege for a major investment to expand manufacturing capacity, a new 45-room Cobblestone Hotel will be breaking ground in Spring of 2019, and a partnership

with ESU STEM/CSI Mobile Learning Laboratory to bring a mobile learning unit to all students throughout Phelps County.

Sam Reinke and Jeff Chase, Southern Power Representatives, presented the Board with the Southern Power District annual report. Some key points that were pointed out included the following: for 2018, \$660,970.53 was generated in Energy Sales which earned Bertrand \$99,145.58 in Lease Payments, in 2019 they are expecting a Production Credit Adjustment which allows the District to give \$178,000 back to the customers – Southern Power is the only District that gives the PCA back to retail customers, and the new branding of the District.

Trustee Spiegel moved for the adoption of Ordinance No. 675 relating to dangerous and vicious dogs. The ordinance reads as follows:

ORDINANCE NO. 675

of the

VILLAGE OF BERTRAND, NEBRASKA

AN ORDINANCE OF THE VILLAGE OF BERTRAND, NEBRASKA AMENDING BERTRAND MUNICIPAL CODE SECTION 6-121 RELATING TO DANGEROUS AND VICIOUS DOGS; REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Bertrand, Nebraska as follows:

Section 1. Section 6-121 of the Bertrand Municipal Code is hereby amended so as to provide as follows:

“6-121 DANGEROUS DOGS. Will apply within corporate limits and will apply to one (1) mile jurisdiction of Bertrand, Nebraska.

(1) *Dangerous Dogs*

(a) *Definitions*. (Exception: The following definition will not apply to any dogs utilized by law enforcement officers in the performance of their official duties.)

1. Dangerous Dog means any dog that, because of its aggressive nature, training, or characteristic behavior, presents any risk of physical harm or possible death to human beings, or would constitute a danger to human life, to physical well being, or any danger to property. Additionally, the term Dangerous Dog shall include any dog that according to the records of either the Village or any law enforcement agency has:

a. Aggressively bitten, attacked, endangered or inflicted severe injury on a human being on public or private property, when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in any menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by any of the above-referenced law enforcement authorities; or

b. Injured or killed any domestic animal;

c. Been used primarily or in part for the purpose of dog fighting;

d. Is a dog trained for dog fighting.

2. Village Animal Control Officer used in this section shall mean either the Law Enforcement Officer in the employ of the Village or the Law Enforcement Agency contracted by the Village for that duty.

(b) *Procedure for Declaring A Dog Dangerous*

1. The Village Animal Control Officer or any adult person may request under oath that a dog be classified as dangerous as defined above by submitting a sworn, written complaint on a form approved by the Village. Upon receipt of such complaint, the Village Clerk shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
2. At the conclusion of any investigation, the Village Animal Control Officer may:
 - a. Determine that the dog is not dangerous and if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or
 - b. Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth herein, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the Village Animal Control Officer may cause the dog to be humanely destroyed.

(c) *Notification of Dangerous Dog Declaration*

1. Within five (5) business days after declaring a dog dangerous, the Village Clerk shall notify the owner by certified mail of the dog's declaration as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in this section. The Village Clerk also shall notify the Village Board Chairman and the Phelps County Sheriff's Office of the designation of any dog designated as a dangerous dog. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog owner.
2. The notice shall inform the dog owner that he/she may request in writing, a hearing to contest the Village Animal Control Officer's finding and designation within five (5) business days after the delivery of the dangerous dog declaration notice.
3. If the Village Clerk and the Animal Control Officer cannot with due diligence locate the owner of a dog that has been seized pursuant to this section, the Village Animal Control Officer shall cause the dog to be impounded for not less than five (5) business days. If after five (5) business days, the owner fails to claim the dog, the Animal Control Officer may cause the dog to be humanely destroyed.

(d) *Hearing on Dangerous Dog Declaration*

1. The Village Board Chairman and the Village Board shall hold a hearing within fifteen (15) business days after receiving the dog owner's written request for such a hearing. The Village Board Chairman and Village Board shall provide notice of the date, time and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.
2. At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Issues to be considered in a hearing required by this section shall include, but not be limited to, the following:
 - a. Provocation;
 - b. Severity of attack or injury to person or domestic animal;

- c. Previous aggressive history of the dog;
- d. Observable behavior of the dog;
- e. Site and circumstances of the incident; and
- f. Statements and/or testimony from interested parties.

3. A determination at a hearing that the dog is in fact a dangerous dog as defined herein shall subject the dog and its owner to the provisions of this section.

4. Failure of the dog owner to request a hearing shall result in the dog being fully declared a dangerous dog and shall subject the dog and its owner to the provisions of this section.

(e) *Appeal from Dangerous Dog Declaration.* If the Village Board determines that a dog is dangerous at the conclusion of a hearing conducted under Section 6-121(1)(d), that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within thirty (30) days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trail de novo and shall be a civil proceeding for the purpose of affirming or reversing the Village Board Chairman and Village Board's determination of dangerousness.

(f) *Requirements for a Dangerous Dog*

1. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom to secure to the sides, the sides must be securely imbedded into the ground no less than two (2) feet. The enclosure must also provide protection from the elements for the dog.

2. The owner or keeper shall display a sign on his or her premises facing out from all sides of the premises warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a public highway or street or within twenty (20) feet of the placement. In addition, the owner shall conspicuously display a sign easily readable by the public using the words "Beware of Dog".

3. A dangerous dog may me off the owner's premises if it is muzzled and restrained by an approved lead or chain not exceeding three (3) feet in length and is under the control of an adult, able bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or its respiration but must prevent it from biting any person or animal.

4. The owner of a dangerous dog shall be required to have and maintain at least \$300,000.00 in liability insurance covering any type of damage done by the dog. Annual proof of liability coverage will be required at the time of annual dog license renewal. Proof of liability coverage of \$300,000 or more is also required at original dog license application.

5. If, upon the trial of any offense mentioned in this section, the judge may in addition to the usual judgement of conviction, order the Phelps County Sheriff to destroy the dog and for such purposes obtain physical possession of said dog; any law enforcement officer may enter upon private property or may use such reasonable necessary force to carry into effect the order of the court. Any dog found to be a dangerous dog under this

section, the owner of such dog shall be required to carry \$300,000 in liability insurance as provided above, at the time of the dangerous dog determination.

(2) *Request for Determination by Village Animal Control Officer.* Any person who may be subject to this section may make a written request to the Village Animal Control Officer to determine whether and how the provisions of this section may apply to him or her and the dogs subject to the provisions of this section. No enforcement of the section may be taken while the written request is being considered by the Village Animal Control Officer. If the Village Animal Control Officer determines this section is applicable, the individual will be informed of the amount of time he or she has to comply with this section.”

Section 2. All prior Ordinances and Resolutions, or parts thereof, in conflict herewith, are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED THIS 12TH DAY OF MARCH 2019.

Said Ordinance was duly and distinctly read, and on a motion by Spiegel, seconded by Schroeder, it was designated as Ordinance No. 675 and the title thereto was approved. On a motion by Dahlgren, seconded by Schroeder, the Statutory Rule requiring ordinances to be fully and distinctly read on three different days was dispensed with. Voting Aye, Dahlgren, Schroeder, Evans, Spiegel, Wilcox. The Chairman stated the motion to adopt Ordinance No. 675 and instructed the Clerk to call roll. Voting Aye, Spiegel, Schroeder, Dahlgren, Evans, Wilcox. The passage and adoption of said Ordinance No. 675 having concurred in by a majority of all members elected to the Board of Trustees was declared passed and adopted. The Chairman than instructed the Clerk to cause Ordinance No. 675 to be published as required by law.

The Board was presented with the Bad Debt for 2018. On a motion by Dahlgren, seconded by Schroeder, the Bad Debt for 2018 was accepted. Voting Aye, Dahlgren, Schroeder, Evans, Spiegel, Wilcox.

Matt Gregg, Utilities Superintendent, asked the Board to consider placing steel figurines at the cemetery. These figures would be made by the local welding shop. On a motion by Dahlgren, seconded by Schroeder, the placement of figures at the cemetery was approved. Voting Aye, Dahlgren, Schroeder, Evans, Spiegel, Wilcox.

The Board has been considering bids for a new mower for the Village. The bids were as follows: Snider’s Outdoor Power-\$9,959.00; Landmark Implement-\$10,625.00; Latter Repair & Irrigation-\$11,399.00 (24.5HP E Series), \$13,452.00 (30HP E Series), and \$15,559.00 (55HP X Series). On a motion by Wilcox, seconded by Dahlgren, the purchase of an X-Mark 30HP E Series from Latter Repair & Irrigation upon inspection by the Utilities Superintendent was approved. Voting Aye, Wilcox, Dahlgren, Evans, Schroeder, Spiegel.

There was no action taken regarding move the April Regular Meeting date.

Matt Gregg, Utilities Superintendent, informed the Board of a water main break at the Nursing Home & Assisted Living. Midlands Contracting was called in to help with the break. He recently attended the water conference in Kearney, NE. Snow removal is hopefully done for the year.

Lori Vinzant, Village Clerk, informed the Board that she will be attending the clerk’s conference in Kearney, NE. The newsletter for this quarter has been sent.

Brian Schroeder, Trustee, informed the Board of some highlights from the Mid-Winter Conference that he attended in February.

Luke Evans, Trustee, asked if there is anything that could be done for the parking lot at the Bertrand Community Building. Gregg will get some prices for white rock and crushed concrete.
The meeting adjourned at 8:59 PM.

Lori Vinzant
Village Clerk

TJ Wilcox
Chairman of the Board