

MINUTES

May 11, 2020

The Village Board of Trustees of the Village of Bertrand, Nebraska held a Regular Meeting on May 11, 2020 at 7:30 PM at the Village Hall by publishing in the Holdrege Daily Citizen on May 4, 2020 and posting at the Post Office, Countryside Market and the Village Office. Present: Chairman TJ Wilcox and Trustees Brian Schroeder and Fred Spiegel. Absent: Trustees Robert Dahlgren and Lucas Evans.

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

Amy Grube, Nursing Home Administrator, gave the Nursing Home and Assisted Living report. The current census for the Nursing Home is 15 residents and 9 residents for the Assisted Living. On a motion by Schroeder, seconded by Spiegel, the Nursing Home’s financials for the month of March were accepted. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans. On a motion by Schroeder, seconded by Spiegel, the Nursing Home’s payables for the month of May and the approximate payables for the month of June were accepted in an amount not to exceed \$125,000.00. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans. On a motion by Spiegel, seconded by Schroeder, the Nursing Home employees’ salaries for the month of June were accepted in an amount not to exceed \$100,000.00. Voting Aye, Spiegel, Schroeder, Wilcox. Absent, Dahlgren, Evans. These payables are as follows:

<u>NURSING HOME</u>			
Paid			
Salaries/Taxes/Benefits (March)	81,388.15	Nurses, Inc.	2,665.50
American Healthtech	397.38	RHD	11,186.00
Lee Agency	775.13	Southern Power	2,541.68
Nationwide	3,449.44	Village of Bertrand	511.03
Charter	99.99	Svoboda’s ACE Hardware	229.87
Joey Kugler	229.99	Clinical Surgery	360.00
InSPIRE Holdrege	5,985.74	CLIA	180.00
Direct TV	632.90	SFM	9,076.00
HCIS	80.00	Petty Cash	161.99
Black Hills Energy	900.04		<u>120,580.50</u>
Not Paid			
AACO	18,495.20	Marlin Bank	506.29
AMGL	185.91	McKesson	1,603.74
C Plus	128.31	Barb Metzger	180.60
Cash Wa	1,511.36	Nurses, Inc.	6,578.25
Clipper Herald	41.41	Providence Engraving	19.82
Compufact	33.00	Quill	254.72
Countryside Market	146.39	Reliable Pest Control	41.00
D & N Lammel’s	483.20	Secrest Consulting	183.00
Direct Supply	361.32	Shane Smith	300.00
Dollar General	62.80	SpartanNash	39.32
Eakes	758.86	Stanley Healthcare	289.50
Ecolab	897.48	Stericycle	120.78

NURSING HOME (cont.)			
First State Bank	1,879.10	Sysco	6,065.20
Frontier	609.79	U Save Pharmacy	21.35
Holdrege Pharmacy	721.28	Village of Bertrand	511.03
Holdrege Floral Expressions	35.00	WeCare	579.50
InSPIRE Holdrege	9,293.50	Woodward's Disposal	23.75
			52,961.76
MAY UNPAID	52,961.76		
PAYABLES JUNE (approx.)	35,000.00		
	87,961.76		
BOARD APPROVAL 5/11/2020	125,000.00		
PAYROLL JUNE (approx.)	95,000.00		
BOARD APPROVAL 5/11/2020	100,000.00		

On a motion by Schroeder, seconded by Spiegel, the following items listed on the consent agenda were approved. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans.

- Minutes for the regular meeting on April 14, 2020;
- Financials for the month of April;
- Payables for the month of April in the amount of \$93,144.46;
- Village employees' salaries for the month of May in an amount not to exceed \$24,000.00;
- Resolution No. 428 to rescind property 2020-BERT-5002, the Resolution reads as follows:

RESOLUTION NO. 428

of the

VILLAGE OF BERTRAND, NEBRASKA

Rescinding Prior Resolution No. 2020-425:5002 – DECLARED NUISANCE

WHEREAS, THE Village of Bertrand is engaged in a Nuisance Abatement process; and
WHEREAS, the Village has appointed James Nelson as the Village Nuisance Officer; and
WHEREAS, the Nuisance Officer identified and confirmed that in his opinion a nuisance existed as defined by Federal, State, or Village law; and the Village Board at a regular meeting, identified a nuisance property, supported by evidence; and
WHEREAS, the Nuisance Officer now has evidence that the nuisance violation declared in Resolution No. 2020-425:5002 is abated and the property cleared of nuisances.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Bertrand rescinds Resolution No. 2020-425:5002 on the following property:

2020-BERT-5002	BERTRAND ORIGINAL TOWN LOT 15 BLK 19
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PASSED AND APPROVED THIS 11th DAY OF MAY 2020

- Building Permit request from Gloria Fields to extend existing deck at 323 Union;
- Fence Permit request from Jordan Schwarz to construct a 6' privacy fence at 609 Melbourne;
- Building/Fence Permit request from David Root to move a 25'x52" swimming pool and construct a surrounding fence at 319 Keopple;
- Building Permit request from Anthony Sattler to construct a 20'x9' extension to existing driveway at 511 Mason;
- Building Permit request from Ron Carlson to construct a 16'x10'x8x shed at 511 Highland #3;
- Building Permit request from Robert Land to move in a 28'x12' accessory building at 217 Minor;

- Building Permit request from John Cantrall to construct a 30'x6' concrete slab at 909 Kellogg;
- Building Permit request from Gage Gregg to enclose a 20'x20'x10' carport at 509 Kossuth.

The Board, meeting as the Board of Adjustments, reviewed a Variance Request from Brad Renken. On a motion by Spiegel, seconded by Schroeder, the Variance request from Brad Renken to exceed the 8' setback from property line requirement for carports and the Building Permit request from Brad Renken to construct a 432 sq. ft. carport at 912 Medina was approved. Voting Aye, Spiegel, Schroeder, Wilcox. Absent, Dahlgren, Evans.

On a motion by Schroeder, seconded by Spiegel, the payables for the month of April to the First State Bank in the amount of \$1,555.00 and to Evans Repair, LLC for \$69.75 were accepted. The entire payables in the amount of \$94,796.21 for the month of April are as follows:

AN-Animal	CM-Cold Mix	FR-Freight
FU-Fumigation	GA-Garbage Collection	GO-Gas, Oil, Tires
GRO-Grave Opening	IMP-Improvement	INT-Internet
LEG-Legal	LG-Landfill	LP-Lease Payment
MI-Miscellaneous	OS-Office Supplies	PF-Professional Fees
PR-Printing, Publishing	SU- Operating Supplies	ST-Sales Tax
TE-Telephone	UT-Utilities	WT-Water Testing

<u>CEMETERY</u>		<u>SEWER</u>	
Salaries/Taxes/Benefits	466.63	Salaries/Taxes/Benefits	1,695.80
Jack Bowen GRO	500.00	Sewer Lift State Bond & Interest	29,509.03
C Plus GO	60.59	C Plus GO	27.71
Carrot Top Industries IMP FR	6,504.82	CHS GO	13.05
Paulsen, Inc. IMP FR	527.25	Elk O Inc. SU	1,415.00
Southern Power UT	35.00	Evans Repair SU	20.25
Van Diest Supply, Co. SU	1,901.75	O'Hanlon Seed, Inc. PF	4,380.50
	9,996.04	Southern Power UT	242.72
		Verizon TE	11.65
			37,315.71
<u>GARBAGE COLLECTION</u>		<u>STREET</u>	
Waste Connection of NE GA	5,813.84	Salaries/Taxes/Benefits	6,145.51
	5,813.84	Black Hills Energy UT	98.60
		C Plus GO	256.45
<u>GENERAL</u>		CHS GO	54.14
Adobe (card services) OS	985.79	Croell CM	1,885.50
Amazon (card services) OS	44.18	Overton Sand & Gravel CM	350.00
ATC Communications INT	40.60	S & W Auto Parts GO	14.98
Black Hills Energy UT	74.69	Southern Power UT	1,250.42
Capital Business Systems LP	102.20	USA Bluebook SU	1,005.12
Cash Statement MI	3.00	Verizon TE	54.93
Countryside Market OS	14.47		11,115.65
DeWald, Deaver, L'Heureux LEG	198.00	<u>WATER</u>	
Frontier TE	160.16	Salaries/Taxes/Benefits	14,196.88
Holdrege Daily Citizen PR	290.31	Adobe (card services) OS	95.78
Hometown Leasing LP	110.24	Amazon (card services) OS	44.17
Officenet OS	45.06	Black Hills Energy UT	165.81
One Call Concepts PF	15.36	BOK Financial (Water Bond Int.)	1,614.17
Southern Power UT	122.00	C Plus GO	55.40
Staples (card services) OS	798.69		
UNL (card services) SCH	(161.24)		
Walmart (card services) OS	195.41		

GENERAL (cont.)		WATER (cont.)	
Woodward's Disposal MI	10.00	Cash Statement MI	9.20
	2,158.92	Central Dist. Health Dept. WT	50.00
LAW ENFORCEMENT		CHS GO	26.11
Salaries/Taxes/Benefits	1,252.52	First State Bank (Well Bond Int.)	1,555.00
Bertrand Vet Clinic AN	16.00	Frontier TE	81.89
Straight Talk (card services) TE	38.39	Municipal Supply SU	579.00
Svoboda's ACE Hardware SU	40.76	Southern Power UT	1,084.00
	1,347.67	Staples (card services) OS	798.70
PARK		UNL (card services) SCH	(161.24)
Salaries/Taxes/Benefits	1,072.23	Verizon TE	23.28
C Plus GO	60.60	Walmart (card services) OS	195.42
Southern Power UT	127.15	Woodward's Disposal MI	10.00
Van Diest Supply, Co. SU	1,901.75		20,423.57
	3,161.73	YARD WASTE/RECYCLING	
POOL		Salaries/Taxes/Benefits	210.24
Arnold Pool Company SU FR	1,604.96	Frontier TE	113.54
Black Hills Energy UT	30.95	Reliable Pest Control FU	43.00
Evans Repair, SU	49.50	South Central Sanitation LF	1,186.40
Frontier TE	89.33	Southern Power UT	10.00
S & W Auto Parts SU	69.16		1,563.18
Southern Power UT	56.00		
	1,899.90		

Trustee Schroeder introduced Ordinance No. 701 relating to intoxicated persons. On a motion by Wilcox, seconded by Schroeder, the statutory rule requiring an ordinance to be fully and distinctly read on three different days was waived. Voting Aye, Wilcox, Schroeder, Spiegel. Absent, Dahlgren, Evans. The motion to suspend the rule was adopted and the statutory rule was declared suspended for consideration of said Ordinance. Thereupon said Ordinance No. 701 was then read by title and Trustee Schroeder moved for its final passage, which motion was seconded by Spiegel. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans. The ordinance reads as follows:

ORDINANCE NO. 701

of the

VILLAGE OF BERTRAND, NEBRASKA

AN ORDINANCE RELATING TO INTOXICATED PERSON; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF BERTRAND, NEBRASKA:

Section 1. Section 10-121 of the Bertrand Municipal Code is amended to read as follows:

§10-121 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY.

(A) Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take the intoxicated person to his or her home or to place the person in any hospital, clinic, or mental health substance use treatment center, or with a medical doctor as may be necessary to preserve life or to prevent injury. The effort at placement shall be deemed reasonable if the officer contacts such facilities or doctor which have previously represented a willingness to accept and treat such individuals and which regularly

do accept such individuals. If these efforts are unsuccessful or are not feasible, the officer may then place the intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than 24 hours.

- (B) The placement of the person in civil protective custody shall be recorded at the facility or jail at which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to the person designated by the person taken into civil protective custody.
- (C) The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for these actions.
- (D) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.
- (E) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MENTAL HEALTH SUBSTANCE USE TREATMENT CENTER. Has the same meaning as in Neb. RS 71-423.

PUBLIC PROPERTY. Any public right-of-way, street, highway, alley, park, or other state, county, or city-owned property.

QUASI-PUBLIC PROPERTY. Private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress. (Ref. 53-1,121 RS Neb.)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS 11TH DAY OF MAY 2020.

Trustee Spiegel introduced Ordinance No. 702 relating to itinerant merchants. On a motion by Wilcox, seconded by Schroeder, the statutory rule requiring an ordinance to be fully and distinctly read on three different days was waived. Voting Aye, Wilcox, Schroeder, Spiegel. Absent, Dahlgren, Evans. The motion to suspend the rule was adopted and the statutory rule was declared suspended for consideration of said Ordinance. Thereupon said Ordinance No. 702 was then read by title and Trustee Spiegel moved for its final passage, which motion was seconded by Schroeder. Voting Aye, Spiegel, Schroeder, Wilcox. Absent, Dahlgren, Evans. The ordinance reads as follows:

ORDINANCE NO. 702

of the

VILLAGE OF BERTRAND, NEBRASKA

AN ORDINANCE RELATING TO ITINERANT MERCHANTS; TO AUTHORIZE THE BOARD OF TRUSTEES TO RESERVE THE RIGHT TO REFUSE OR DENY AN APPLICATION FOR A PERMIT TO SELL; TO REPEAL CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF BERTRAND, NEBRASKA:

Section 1. Section 10-201 of the Bertrand Municipal Code is amended to read as follows:

§10-201 ITINERANT MERCHANTS; REGULATIONS. To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and their persons and companies responsible for such sales, all peddlers and

hawkers shall, before doing business within the Municipality, make application for, and be issued a permit. Application for said permit shall be made to the Municipal Clerk, and shall contain all the necessary information and documents required for the protection of the residents of the Municipality. Any person or persons granted a peddler and hawker permit shall be subject to any fees, occupation taxes, and other rules and regulations which the Governing Body deems appropriate for the purposes stated herein. The Board of Trustees reserves the right to refuse or deny an application for a seller or hawkers permit. Any permit so granted shall be subject to revocation for good and sufficient cause by the Municipal Police. *(Ref. 17-525 RS Neb.)*

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS 11TH DAY OF MAY 2020.

On a motion by Schroeder, seconded by Wilcox, a discussion regarding an interlocal agreement with the Village of Funk for Ordinance Officer support was tabled until further information can be gathered. Voting Aye, Schroeder, Wilcox, Spiegel. Absent, Dahlgren, Evans.

On a motion by Schroeder, seconded by Spiegel, approval was given for a section of Minor Avenue to be closed on Saturday, May 16, 2020 for a graduation celebration. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans.

The Board reviewed the current state for the COVID pandemic. A discussion regarding the opening of the swimming pool and public restrooms will be had at the next scheduled meeting. The billing procedures for late fees and disconnections will remain on hold until further notice. The Village Office will remain closed until further notice.

On a motion by Schroeder, seconded by Spiegel, the Board adjourned into Executive Session at 8:10 PM. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans. On a motion by Wilcox, seconded by Schroeder, the Board came out of Executive Session at 8:17 PM. Voting Aye, Wilcox, Schroeder, Spiegel. Absent, Dahlgren, Evans.

On a motion by Schroeder, seconded by Spiegel, the Village employees were given a 3.5% wage increase. Voting Aye, Schroeder, Spiegel, Wilcox. Absent, Dahlgren, Evans.

Matt Gregg, Utilities Superintendent, informed the Board of a Yard Waste Site violation. The violators were notified of fines due. The software for the Yard Waste Site at the Village Office is out of date. Quotes have been requested for an updated system and will be reviewed for the 2020-2021 budget. The flagpole project at the cemetery will be completed by the end of the week.

Lori Vinzant, Village Clerk, reported that Frontier Communications is filing for bankruptcy. They are current utility customers and pay a quarterly franchise fee to the Village. Paperwork regarding the suit was forwarded to the Village Attorney. New utility billing software will be reviewed for the 2020-2021 budget.

James Nelson, Village Ordinance Officer, informed the Board of an abandoned dog that was roaming Highway 23. An individual from the humane society in Holdrege was able to contain the dog. No abandoned vehicle citations will be issued until further notice.

The meeting adjourned at 8:43 PM.

Lori Vinzant, Village Clerk

TJ Wilcox, Chairman of the Board