

MINUTES

June 13, 2017

The Village Board of Trustees held a Regular Meeting on June 13, 2017 at 7:30 PM by posting in the Bertrand Herald on June 1, 2017 and posting at the First State Bank, Post Office, and Village Office. Present were Chairman TJ Wilcox, and Trustees Robert Dahlgren, Lucas Evans, Brian Schroeder. Absent, Jerold Weber.

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 Evans, seconded by Schroeder, the minutes of the Regular Meeting held on May 8, 2017 were accepted. Voting Aye, Evans, Schroeder, Wilcox.

On a motion by Evans, seconded by Schroeder, the Village Financials for the month of May were approved. Voting Aye, Evans, Schroeder, Dahlgren, Wilcox.

On a motion by Schroeder, seconded by Dahlgren, the payables in the amount of \$107,787.40 were approved. Voting Aye, Schroeder, Dahlgren, Wilcox, Evans.

<u>CEMETERY</u>		<u>SEWER</u>	
Salaries/Benefits	744.38	Salaries/Benefits	1,290.54
C Plus GO	53.17	C Plus GO SU	62.07
Holdrege Auto Parts SU	61.29	First State Agency INS	775.50
Latter Repair & Irrigation ER	181.00	Holdrege Irrigation EQ	8,374.56
	1,039.84	NE Dept. Environmental PF	30,171.47
<u>FIRE DEPARTMENT</u>		Southern Power UT	204.25
Airgas SU	170.80	Verizon TE	26.91
Black Hills Energy UT	121.96		40,905.30
Cash Statement MI	1.82	<u>STREET</u>	
CHS GO	132.84	Salaries/Benefits	3,049.37
Danko Emergency Equip. SU	44.63	Black Hills Energy UT	112.97
Dearborn National Ins. INS	75.68	C Plus GO	275.88
Frontier TE	118.81	Southern Power UT	1,280.43
Frontier TE	56.24	Titan Machinery LAB ER FT	6,213.88
Fry-Tek EQ	290.00	Verizon TE	43.06
Matheson Trigas SU	79.20		10,975.59
Phelps Memorial EMS	100.00	<u>WATER</u>	
Southern Power UT	101.00	Salaries/Benefits	11,228.40
Spectrum INT	143.86	Black Hills Energy UT	168.72
Verizon TE	40.01	Central Dist. Health Dept. WS	46.50
	1,476.85	CHS GO	156.20
<u>GENERAL</u>		C Plus GO	97.05
ATC Communications INT	35.60	Eakes Office Solutions PF	189.95
Bertrand Chamber PF	35.00	Frontier TE	381.70
Black Hills Energy UT	57.68	Frontier TE	118.41
Cash Statement MI	2.24	HD Supply SU	157.65
Chase Card SCH	216.00	Kearney Regional Medical INS	1,000.00
City of Holdrege MI	285.50	NE Department of Revenue ST	1,269.21
Frontier TE	323.60	Southern Power UT	1,334.00

<u>GENERAL (cont.)</u>		<u>WATER (cont.)</u>	
Frontier TE	140.59	US Post Office OS	93.12
Hometown Leasing LP	110.24	Verizon TE	37.67
NE Department of Revenue ST	0.94	Woodward's Disposal MI	10.00
Office Solutions OS	71.44		16,637.34
One Call Concepts PF	6.03	<u>LAW ENFORCEMENT</u>	
Southern Power UT	94.00	Phelps County Sheriff's Dept PF	1,666.67
Southwest Area Clerks Assoc. PF	5.00		1,666.67
US Post Office OS	240.12	<u>GARBAGE COLLECTION</u>	
Woodward's Disposal MI	10.00	Waste Connection of NE GA	5,727.23
	2,569.38		5,727.23
<u>YARD WASTE/RECYCLING</u>		<u>POOL</u>	
Salaries/Benefits	150.12	Salaries/Benefits	307.54
Frontier TE	122.37	Black Hills Energy UT	285.24
Frontier TE	57.81	Boiler DOL/Inspection PF	24.00
Reliable Pest Control FU	43.00	Chase Credit Card SCH SU	924.23
Schaben Sanitation LF	513.77	Chesterman Company PC	135.60
	887.07	CHS GO SU	37.34
<u>PARK/RECREATION</u>		Countryside Market SU	440.02
Salaries/Benefits	959.14	Frontier TE	138.23
AcroMat SU	100.64	Frontier TE	65.74
Auto Shack ER	64.08	Holmes Plbg & Htg Supply ER	135.71
Countryside Market SU	11.05	NE Department of Revenue ST	155.84
C Plus GO SU	195.12	Ralph's Welding SU LAB	823.92
Holdrege Auto Parts SU	61.29	S&W Auto Parts ER	14.29
Latter Repair & Irrigation ER	181.01	Sabrina Nielsen SCH	500.00
Pro Building Supply IMP	456.50	Southern Power UT	66.00
Southern Power UT	134.00	Steel Pool Co. RM	800.00
	2,162.83	Svoboda's ACE Hardware SU	71.40
			4,925.10

Nursing Home Administrator, Amy Grube, and RHD Representative, Shane Silti, gave the Nursing Home and Assisted Living Report. On a motion by Dahlgren, seconded by Schroeder, the Nursing Home financials for the month of April were accepted. Voting Aye, Dahlgren, Schroeder, Evans, Wilcox. On a motion by Evans, seconded by Schroeder, the payable from the First State Bank in the amount of \$1,879.10 was approved. Voting Aye, Evans, Schroeder, Wilcox. Abstaining, Dahlgren. On a motion by Dahlgren, seconded by Evans, the remaining payables in the amount of \$140,763.87 were approved. Voting Aye, Dahlgren, Evans, Schroeder, Wilcox.

<u>NURSING HOME</u>			
Salaries/Taxes/Benefits	80,431.53	Kearney Home	62.50
AACO	388.60	Leading Age NE	150.00
ACE Hardware	83.74	Marlin Business Bank	506.29
American Healthtech	397.38	McCormack Distributing	221.00
Amy Grube	358.52	McKesson	2,439.11
Barb Metzger	270.60	Megan Stuart	128.21
Bertrand Chamber	35.00	Mid-American Research	455.98
Black Hills Energy	754.89	Nationwide	2,648.90
Blossom Shop	50.30	Nurses Incorporated	6,571.75

NURSING HOME (cont.)			
Cash-wa Distributing	1,603.73	Petty Cash	71.57
Charter	79.99	Phelps County Rehabilitation	6,363.56
CHS	524.76	Oak Haven Aviaries	269.95
Countryside Market	415.99	Quill	675.31
Clipper Herald	104.57	Reliable Pest Control	41.00
C Plus	448.61	RHD	10,342.00
Creative Forecasting	60.00	Sea Bay	57.58
Direct TV	331.89	Secrest LTC Consulting	475.76
Dollar General	49.45	Shane Smith	300.00
Exstream Cleaning	712.12	Southern Power District	2,224.00
EZ Way	137.95	Stanley	187.50
Family Medical Specialties	85.00	Stericycle	110.16
Farm & Ranch	58.00	Sysco	12,238.00
First State Bank	1,879.10	The Bertrand Herald	35.00
Froid Piano Tuning	114.00	United Heartland	6,528.00
Frontier	361.61	USPS	294.00
Frontier Home Medical	52.00	Village of Bertrand	709.80
Green Landscapes	285.00	WeCare	860.60
HCIS	80.00	Wick Electric	100.00
Holdrege Floral Expressions	48.16	Woodward's Disposal	23.75
Holdrege Pharmacy	666.52	Yellow Van	1,718.05
			142,642.97

Guest, Beverly Lashley, discussed her concerns with the parking on Bailey Drive during the Bertrand Fair & Rodeo. The large pickups and horse trailers that come for the rodeo can't make the turn on Bailey Drive because of all the cars parked there for the rodeo. Pickups are parking the alley illegally and sometimes diving on private property when trying to make the turn. Village Superintendent, Matt Gregg, will talk to the Chamber to see if there is anything the Village can do. We may have to put barricades to keep the pickups and horse trailers off of Bailey Drive.

South Central Economic Development District Representative, Levi Adam, presented the 2016 Unresolved properties. On a motion by Dahlgren, seconded by Schroeder, Resolution No. 2017-348, stating that properties BERT-1040 and BERT-1043 were rescinded because they have been cleared of nuisances, was approved. Voting Aye, Dahlgren, Schroeder, Evans, Wilcox.

On a motion by Schroeder, seconded by Evans, Resolution 2017-347; 1005, 1009, 1014, 1027, 1041, 1051, 1054, and 1056 were declared and states that specific properties contain nuisances and are therefore in violation of Ordinance No. 649. Voting Aye, Schroeder, Evans, Dahlgren, Wilcox.

On a motion by Evans, seconded by Dahlgren, property 2017-BERT-1056 was granted a postponement until August 31, 2017. Voting Aye, Evans, Dahlgren, Schroeder, Wilcox.

Miller & Associates representative, Brian Langenberg discussed the alley between Miller Street and Stable Drive. The alley runs through private property no the north end and the lay of the alley needs to be fixed. On a motion by Schroeder, seconded by Dahlgren, the Village Board will have Miller & Associates replat the alley. Voting Aye, Schroeder, Dahlgren, Wilcox, Evans.

On a motion by Schroeder, seconded by Dahlgren, the Board tabled any decision on Ordinance No. 11-101 Zoning; Definitions/Accessory Buildings until the July 11, 2017 meeting. Voting Aye, Schroeder, Dahlgren, Wilcox, Evans.

The Amendment of Ordinance No. 530 was adopted and reads as follows:

ORDINANCE OF THE VILLAGE OF BERTRAND, NEBRASKA, AMENDING SECTION 9-105.01 OF THE BERTRAND MUNICIPAL CODE, RELATING TO THE FENCE/WALL BUILDING PERMITS AND LOCATION OF FENCES AND WALLS; 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. Subsection 9-105.01 of the Bertrand Municipal Code is hereby amended so as to read as follows:

§ 9-105.01 BUILDING REGULATIONS; FENCE/WALL REQUIREMENTS

(A) *Fences in Residential Zoned Areas*

1. All fences or wall which will be constructed must comply with residential fence/wall ordinance in effect at time of issuance of fence/wall building permit as therein defined. A fence/wall building permit requirement is hereby established. A fence/wall building permit will be granted, provided that the requested fence/wall is in compliance with this section, as amended from time to time, and such other established standards and regulations. Said permit will cost ten dollars (\$10.00) and shall be payable with the building permit application. The application must be accompanied by a survey setting forth the legal boundaries of the property.
2. **All fence/wall building permit application requests and authorized construction will require the following inspections by the Zoning Administrator or other authorized Village official.**
 - i. **An initial inspection before any construction begins and before the Village issues fence/wall building permit;**
 - ii. **A second inspection when the corner posts are in place; and**
 - iii. **A final inspection when the fence/wall construction is complete.**
3. *Fence/Wall Placement*
 - i. If fence/wall being requested runs parallel to an abutting property, the fence/wall shall be constructed immediately inside the applicant's property line; provided, however. That the applicant may have the fence/wall constructed upon the common boundary line of the two properties upon presentation of a written agreement signed by all affected property owners consenting to having the fence constructed on the common boundary line. If the applicant desires to construct a fence/wall in such a manner as to connect to a fence/wall located upon an abutting property, the applicant must first present a written agreement signed by all affected property owners consenting to having the fence constructed in such a manner.
 - ii. If property owner requesting fence/wall building permit is on property which has an alley, that fence/wall shall be located not less than fourteen feet (14') from center of alley or four feet (4') inside or property owners property line for purpose of access to utility meters and access for garbage removal.
 - iii. If property owner requesting fence/wall building permit has a sidewalk in front or property or has both a front sidewalk and a sidewalk on side (a corner lot), that fence/wall shall be located eighteen inches (18") or more

inside the sidewalk on both side of sixteen feet six inches (16'6") from the back of the curb, whichever distance is the greatest distance from the middle of the street.

1. If property requesting fence/wall building permit does not have a sidewalk, then the fence location must be located not less than sixteen feet six inches (16'6") from the curb line.
 2. If the property owner requesting fence/wall building permit does not have a sidewalk or a curb, then fence/wall shall be located not less than eighteen inches (18") inside of the line where the sidewalk would be located or sixteen feet six inches (16'6") from location of back side of curb if it existed, whichever is the greater distance from the center of the street.
4. *Residential Fence/Wall Height.* Any fence or wall which proposed construction will be located in the front of the residence shall be no higher than thirty-six inches (36") from the top of the curb to allow for vision of vehicles entering driveways except for corner lots which will be restricted to heights of not more than thirty inches (30") from top of curb to top of fence/wall to allow for corner traffic vision (see subsection (C) below regarding vision clearance area). The thirty-six inch (36") height restriction shall run a distance equal to the distance from the front property line back to the front of the residence. If there is no residence on the property making a fence/wall construction request, said fence shall be height restricted to thirty-six inches (36") back forty-five feet (45') from back of curb except on corner lots where height is restricted to thirty inches (30") from top of curb to top of fence back forty-five feet (45') from back of curb.
5. *Residential Fence/Wall Construction.*
- i. No fence or wall shall be permitted in a front yard which shall materially obstruct public view. Permitted type fences shall include split rail, chain link, or any other see-through type fence material.
 - ii. All fences or parts or walls or parts thereof shall be constructed so that all posts, braces, stringers, and any other structural members shall face to the interior of the lot or parcel being fenced.
 - iii. No fence or wall shall be constructed in such a manner or be of such a design as to be hazardous or dangerous to persons or animals by intent of its construction or be dangerous from inadequate maintenance. No fences or walls are permitted which shall carry any type of electrical charge.
 - iv. No fence or wall within residential zoned areas shall be constructed of a height greater than six feet (6').
 - v. No fence or wall shall be constructed on a corner lot which will constitute a traffic hazard as identified in the site triangle of a corner lot as shown in sight triangle in the vision clearance area, subsection (C) of this section.

(B) Fences/Walls in Commercial or Industrial Zoned Areas

1. All fences/walls in commercial and industrial zoning areas will require a fence/wall building permit as established by this section, which will be issued by the Village at a

cost of ten dollars (\$10.00). The application must be accompanied by a survey setting forth the legal boundaries of the property.

2. All fence/wall building permits in commercial or industrial zoned areas will require the following:
 - i. The initial inspection to be done by the Zoning Administrator or other authorized Village official before any construction begins and before the Village issues fence/wall building permit;
 - ii. The second inspection to be done by the Zoning Administrator or other authorized Village official when the corner posts are in place; and
 - iii. The final inspection to be done by the Zoning Administrator or other authorized Village official when the fence/wall construction is complete.
3. Maximum height of fences/walls shall be six feet (6') except when industry standards for certain types of business require fences/walls of greater heights, then the Village Board, at its discretion may allow greater heights or up to twelve feet (12').
4. Fences/walls in commercial and industrial areas shall be set back not less than eighteen inches (18") from the property line or from the sidewalk, whichever is the greater distance away from the street.
5. If fence/wall being requested runs parallel to an abutting property, the fence/wall shall be constructed immediately inside the applicant's property line; provided, however, that the applicant may have the fence/wall constructed upon the common boundary line of the two properties upon presentation of a written agreement signed by all affected property owners consenting to having the fence constructed on the common boundary line. If the applicant desires to construct a fence/wall in such a manner as to connect to a fence/wall located upon an abutting property, the applicant must first present a written agreement signed by all affected property owners consenting to having the fence constructed in such a manner.

(C) Fence/Walls – Vision Clearance Area – All Zoning Districts

1. All districts shall have in all zoning classifications, except where buildings have or are allowed on the property line, a continuous unobstructed sight distance for safe traffic operations. No fence obstruction shall exist with a height greater than thirty inches (30") within the vision clearance area from the elevation of the top of a curb. In the event that there is no curb, the measurement will be made from the edge of the driving surface.
2. Arterial streets shall consist of Minor Avenue, Kellogg Street, and that part of Kennett Street east of Minor Avenue.
3. All other streets will be considered local streets.

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.

On a motion by Dahlgren, seconded by Schroeder, Ordinance No. 530 was approved. Voting Aye, Dahlgren, Schroeder, Evans, Wilcox.

The Board decided to leave the Village Board of Trustees Meetings to the second Tuesday of the month.

On a motion by Dahlgren, seconded by Schroeder, the Board approved Rodney Fosbinder's application to construct a bathroom and utility room at 608 Marshall. Voting Aye, Dahlgren, Schroeder, Wilcox, Evans.

On a motion by Evans, seconded by Schroeder, the Board approved Kevin Jauken's application to construct a carport at 909 Montrose. Voting Aye, Evans, Schroeder, Wilcox, Evans.

On a motion by Schroeder, seconded by Evans, the Board approved Central NE Public Power & Irrigation's application to construct an addition to the end of the existing building at 802 Kane. Voting Aye, Schroeder, Evans, Wilcox. Abstaining, Dahlgren.

On a motion by Dahlgren, seconded by Evans, the Board approved Tara Drain's application to construct a privacy fence and carport at 808 Kane. Voting Aye, Dahlgren, Evans, Schroeder, Wilcox.

Village Superintendent, Matt Gregg, updated the Board on the progress of the new playground equipment at the park. They had several volunteers helping to put it all together. The only things left are the matting and the ramp. Gregg also let the Board know that Carlos Campa is working at the cemetery putting concrete around the mausoleums. The sprinkler system for the ball field will go in after the 4th of July.

Village Clerk, Carol Johnston, let the Board know that the Sheriff's Department had called about the people going door to door in Bertrand selling residential TV, phone and internet service. We informed the Sheriff's Department that they had not come in to get a permit to sell. Johnston also talked to the Board about the Flippin Sweet wanting to bring in their food truck a few times a month or weekly depending on the response of the Village. Johnston will contact the Holdrege Clerk to see what they do with food trucks.

On a motion by Wilcox, seconded by Evans, the meeting adjourned at 9:40 PM. Voting Aye, Wilcox, Evans, Dahlgren, Schroeder.

Carol Johnston
Village Clerk

TJ Wilcox
Chairman of the Board