

# MINUTES

December 12, 2017

The Village Board of Trustees held a Regular meeting on December 12, 2017 and posting at the First State Bank, Post Office and Village Office. Present were Chairman TJ Wilcox, Trustees Robert Dahlgren, Lucas Evans, Brian Schroeder and Jerold Weber. Dahlgren joined the meeting at 7:32 PM.

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

On a motion by Weber, seconded by Schroeder, the minutes of the Regular meeting held on November 14, 2017 and the minutes form the Special meeting held on November 29, 2017 were accepted. Voting Aye, Weber, Schroeder, Evans, Wilcox.

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

On a motion by Evans, seconded by Weber, the payable to First State Bank in the amount of \$15,020 was approved. Voting Aye, Evans, Weber, Schroeder, Wilcox. Abstaining, Dahlgren.

On a motion by Wilcox, seconded by Dahlgren, the remaining payables in the amount of \$52,574.17 were approved. Voting Aye, Wilcox, Dahlgren, Evans, Schroeder, Weber.

<b><u>CEMETERY</u></b>		<b><u>SEWER</u></b>	
Salaries/Benefits	245.37	Salaries/Benefits	1,576.27
	<b>245.37</b>	C Plus GO	48.83
<b><u>FIRE DEPARTMENT</u></b>		Southern Power UT	261.50
Ag Systems	37.64	Verizon TE	13.49
Airgas SU	166.35		<b>1,900.09</b>
Auto Shack	493.09	<b><u>STREET</u></b>	
Black Hills Energy UT	222.71	Salaries/Benefits	4,053.77
Cash Statement MI	2.03	Black Hills Energy UT	122.60
C Plus GO	390.30	CHS PF	1.00
Danko Emergency Equip. EQ	1,088.19	C Plus GO	573.16
Dearborn National INS	172.00	Orschlen's SU	24.99
Frontier TE	57.95	Popple Construction IMP LAB	3,146.90
FYR-TEK SU	2,418.47	Ralph's Welding ER LAB	31.08
Matheson Tri-Gas SU	83.00	S & W Auto Parts SU GO	129.43
Phelps Mem. Health EMS	200.00	Southern Power UT	1,294.15
Ralph's Welding ER	85.00	Verizon TE	80.92
Southern Power UT	109.00		<b>9,458.00</b>
Spectrum INT	150.75	<b><u>WATER</u></b>	
Verizon TEL	40.01	Salaries/Benefits	13,632.18
	<b>5,716.52</b>	Black Hills Energy UT	222.51
<b><u>GENERAL</u></b>		Cash Statement MI	6.65
American Legal PF	650.00	C Plus GO	18.88
ATC Communications INT	35.60	Countryside Market SU	5.69
Black Hills Energy UT	93.31	DHHS PF	115.00
Blue Moose Bar & Grill MI	215.55	First State Bank	15,020.00
Carol Billeter REF	25.00	Frontier TE	58.99
Cash Statement MI	3.22	NE Dept of Revenue ST	1,273.81

<b><u>GENERAL (cont.)</u></b>		<b><u>WATER (cont.)</u></b>	
Countryside Market FP SU	115.65	Southern Power UT	1,185.00
Eakes Office Solutions PF	300.76	Verizon TE	13.49
Frontier TE	143.14	Vernon Manufacturing SU	464.50
Hometown Leasing LP	110.24	Woodward's MI	10.00
NE Dept. of Revenue ST	0.15		<b>32,026.70</b>
NE Municipal Clerks Assoc. PF	25.00	<b><u>POOL</u></b>	
Office Solutions OS	62.58	Black Hills Energy UT	33.69
One Call Concepts PF	11.64	Frontier TE	73.82
Roxanne Winheim MM	50.82	Southern Power UT	62.00
Southern Power UT	106.00		<b>169.51</b>
SCEDD PF	1,050.00	<b><u>LAW ENFORCEMENT</u></b>	
US Post Office OS	186.79	Phelps County Sheriff's LAW	1,666.67
Woodward's MI	10.00	Bertrand Vet Clinic	127.50
	<b>3,195.45</b>		<b>1,794.17</b>
<b><u>YARD WASTE/RECYCLING</u></b>		<b><u>GARBAGE COLLECTION</u></b>	
Salaries/Benefits	298.37	Waste Connection of NE GA	5,802.00
Frontier TE	119.70		<b>5,802.00</b>
Latter Repair & Irr. GO SU	87.98	<b><u>PARK/RECREATION</u></b>	
Mike Wallander EXL	550.00	Salaries/Benefits	239.32
Reliable Pest Control FU	43.00	Aquacade Sprinklers IMP	5,770.00
Schaben Sanitation	0.00	Latter Repair & Irr. GO OS	87.99
	<b>1,099.05</b>	Southern Power UT	81.00
			<b>6,178.31</b>

Nursing Home Administrator, Amy Grube, and RHD Representative, Walt Dye, gave the Nursing Home & Assisted Living report. On a motion by weber, seconded by Schroeder, the financials for the month of October were accepted. Voting Aye, Weber, Schroeder, Dahlgren, Evans, Wilcox.

On a motion by Weber, seconded by Schroeder, the payable from First State Bank in the amount of \$1,879.10 was approved. Voting Aye, Weber, Schroeder, Wilcox, Evans. Abstaining, Dahlgren.

On a motion by Dahlgren, seconded by Weber, the remaining payables in the amount of \$148,023.21 were approved. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

<b><u>NURSING HOME</u></b>			
Salaries/Taxes/Benefits	76,649.26	Nurses Incorporated	11,481.50
AACO	5,114.14	Oak Have Aviaries	220.00
American Healthtech	397.38	Penner Patient Care	110.00
Amy Grube	325.74	Petty Cash	170.53
Barb Metzger	165.60	Phelps County Rehab.	8,320.68
Black Hills Energy	980.41	Phelps Memorial Health Center	86.70
Cash-wa Distributing	2,840.40	Providence Engraving	9.91
Central Valley Electric	314.15	Quill	170.16
Charter	79.99	Ralph's Welding	34.00
CHS	51.99	Redline Pharmacy	2,004.84
Compufact	11.00	Reliable	41.00
Countryside Market	307.15	RHD	10,342.00
C Plus	533.64	Secrest LTC Consulting	483.76
Direct Supply	532.83	Shane Smith	300.00
Direct TV	336.14	Southern Power	2,619.00

**NURSING HOME (cont.)**

Durable Service	64.40	SpartanNash	98.37
Dollar General	43.65	Stanley	174.00
Family Medical Specialties	401.00	Stericycle	110.16
First State Bank	1,879.10	Sysco	10,151.63
Frontier	580.83	Transworld	206.96
HCIS	80.00	United Heartland	6,528.00
Holdrege Pharmacy	429.56	Unitech	247.50
Marlin Business Bank	506.29	Village of Bertrand	493.80
McKesson	2,141.43	WeCare	175.00
Megan Stuart	78.68	Woodward's	23.75
Mid-American Research	454.30		

Robert Gerold, representative of Schaben Sanitation, spoke with the Board regarding the renewal of current contract for trash services. The Board discussed a 1.5% rate increase for the landfill. Action will be taken at a later time.

Frances Hernandez and Sharon Hueftle, representatives of SCEDD, presented the Board with the 2017 Nuisances. SCEDD suggested the rescinding of one (1) property. On a motion by Schroeder, seconded by Weber, the property 2017-BERT-2060 was rescinded. Voting Aye, Schroeder, Weber, Wilcox, Dahlgren, Evans.

The representatives also reviewed the contract for 2018. On a motion by Schroeder, seconded by Evans, the Board accepted the new SCEDD 2018 contract. Voting Aye, Schroeder, Evans, Weber, Dahlgren, Wilcox.

The Trustees voted by ballot to appoint TJ Wilcox as Chairman of the Board and Robert Dahlgren as Vice Chairman for the 2018-2019 year.

On a motion by Dahlgren, seconded by Weber, the Committees will remain the same. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Weber, Carol Johnston was re-appointed Village Clerk. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

ON a motion by Dahlgren, seconded by Weber, Roxanne Winheim was re-appointed Village Treasurer. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Weber, Matthew Gregg was re-appointed Municipal Utilities Superintendent. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Weber, the appointment of the Board of Health was tabled until the January meeting. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Weber, Christopher Miller with Miller & Associates was reappointed the Street Superintendent. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Weber, Jeff Cox was reappointed as Village Attorney. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Schroeder, Resolution No. 359 was adopted and reads as follows:

**WHEREAS**, the Village of Bertrand, Nebraska is a party to the Interlocal Agreement creating the PUBLIC ALLIANCE for COMMUNITY ENERGY (ACE) and, pursuant to the terms of said Agreement, it is the responsibility of the Village to designate a representative of the Village of Bertrand, Nebraska to the PUBLIC ALLIANCE for COMMUNITY ENERGY Board of Directors provided for under the terms of said Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Chairman and the Village Board of Trustees of the Village of Bertrand, Nebraska that:

1. The Village Clerk is hereby directed to give written notice to the PUBLIC ALLIANCE for COMMUNITY ENERGY of the appointment of Roxanne Winheim as the Village's representative to said Board of Directors.
2. The Village Clerk is hereby directed to give written notice to the PUBLIC ALLIANCE for COMMUNITY ENERGY of the appointment of Matthew Gregg as the Village's alternate representative to said Board of Directors.

Voting Aye, Dahlgren, Schroeder, Weber, Wilcox, Evans.

On a motion by Dahlgren, seconded by Weber, Resolution No. 358 was adopted and reads as follows:

**NOW, THEREFORE, BE IT RESOLVED by the Chairman of the Village of Bertrand, State of Nebraska, that:**

1. Such Village of Bertrand is a member of the Nebraska Municipal Power Pool.
2. The Chairman of the Village of Bertrand, State of Nebraska, does hereby appoint Matthew Gregg as the Representative of the Village of Bertrand, State of Nebraska to the Members' Council of the Nebraska Municipal Power Pool.
3. The Chairman of the Village of Bertrand, State of Nebraska does hereby appoint Brian Schroeder as the Alternate Representative of the Village of Bertrand, State of Nebraska to the Members' Council of the Nebraska Municipal Power Pool.

Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Weber, seconded by Evans, the Board approved the Lot Split at 802 Marshfield between Larry Fitzgerald and CHS. Voting Aye, Weber, Evans, Schroeder, Dahlgren, Wilcox.

On a motion by Schroeder, seconded by Evans, the contract between the Village of Bertrand and South Central Economic Development District for the 2018 year was approved.

Voting Aye, Schroeder, Evans, Weber Dahlgren, Wilcox.

On a motion by Dahlgren, seconded by Evans, the bid from Holdrege Irrigation for the electrical for the sewer pump in the amount of \$4,619.95 was approved. Voting Aye, Dahlgren, Evans, Schroeder, Weber, Wilcox. The bids were as follows:

Holdrege Irrigation - \$4,619.95

Primary Electric - \$11,400.00

Fagot Refrigeration & Electric, Inc. - \$5,124.00

On a motion by Schroeder, seconded by Weber, the amending of Ordinance No. 11-101A was approved and reads as follows:

**AN ORDINANCE OF THE VILLAGE OF BERTRAND, NEBRASKA AMENDING SECTION 11-101 OF THE BERTRAND MUNICIPAL CODE, RELATING TO ZONING REGULATIONS AND DEFINITIONS RELATING TO THE ZONING REGULATIONS; REPEALING ALL PRIOR ORDINANCE 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 11-101 of the Bertrand Municipal Code is hereby amended so as to read as follows:

**§11-011 ZONING; DEFINITIONS.** For the purpose of this ordinance, certain terms and words are herewith defined as follows:

1. Residential District. In the "Residential District" no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this ordinance, except for one (1) or more of the following uses:
  - a. One and Two-Family Dwellings
  - b. Multiple Dwellings
  - c. Boarding and Lodging Houses
  - d. Churches and Schools
  - e. Libraries, museums, parks, swimming pools, playgrounds, branch telephone exchanges, and community buildings owned and controlled by the Municipality or buildings for public service corporations or for public utility purposes which the Board of Trustee declares reasonably necessary for the public convenience and welfare
  - f. Nurseries and Greenhouses for propagation, cultivation and sale of plants and cut flowers only
  - g. Hospitals and Clinics
  - h. Institutions of an educational, philanthropic or charitable nature
  - i. Private clubs, fraternities, lodges, except those the chief activity of which is a service customarily carried on as a business
  - j. Accessory buildings, including private and community garages when located not less than sixty (60) feet from the front lot line or within or attached to the dwelling. The location of all private stables shall be subject to the regulations of the Board of Health.
  - k. Uses customarily incident to any of the above uses including home occupation not involving the conduct of a business on the premises, and the office of a physician, chiropractor, osteopath, barber shop, beauty parlor, surgeon, dentist, musician or artist when situated in the dwelling house on said lot, and provided no name plate shall exceed two square feet in area. No signs exceeding eight square feet in area appertaining to the lease, hire or sale of a building or premises, nor advertising sign or any other character shall be permitted.
2. Commercial Business District Use Provisions. In any commercial district no building or premises shall be used for other than one (1) or more of the following uses:
  - a. Any use permitted in the residential district
  - b. Retail business and service establishments, including bakeries and shops for custom work or for making articles to be sold at retail on the premises
  - c. Business and professional offices
  - d. Restaurants, cafes, refreshment stands and other eating places
  - e. Public garages, vehicle repair shops and filling stations; provided that none of the foregoing shall have any entrance or exit for motor vehicles within three hundred feet, measured within street or alley lines, of any entrance or exit of a public or private school
  - f. Theatres and assembly halls
  - g. Dance halls, bowling alleys and other commercial recreation establishments
  - h. Trailer camps, cabin camps
  - i. Taverns, night clubs and bars; provided that no such establishment shall have any entrance or exit within three hundred feet of any public or private school
  - j. Accessory buildings and accessory uses.
  - k. Such other uses as, in the opinion of the Board of Trustees, are of the same general character as those listed in this section and will not be detrimental to the district in which located
3. Industrial District Use Provision
  - a. Any use permitted in the commercial district

- b. Foundry, boiler works
  - c. Grain drying or poultry feed manufacture; feed mill; flour mill
  - d. Light or power plant central station
  - e. Brick or tile manufacture
  - f. Warehouse or bulk storage, except bulk storage of gas or liquid fertilizer and gas petroleum products such as propane and butane shall not be permitted without the issuance of a special permit by the Board of Trustees
  - g. Junk yard, wrecking or dismantling establishments; provided that the same shall be conducted entirely within a completely enclosed building or behind a masonry wall or painted wood wall of approved design not less than seven feet high
  - h. Any manufacturing or industrial operations of any kind not otherwise provided by law; provided that any process which emits dust, odor, gas, fumes noise or vibration exceeding in amount or offensive character that of any use listed above, shall be subject to special use permit to be granted by the Board of Trustees
4. Accessory Building/Accessory Use. For purposes of Section 11-101, the terms “accessory building” or “accessory use” shall mean a subordinate structure or use incidental to and commonly associated with the main permitted use of the property and which is located on the same lot with the permitted main use. Customary accessory uses in a Residential District include, but are not limited to tennis courts, swimming pools, detached garages, garden houses, antenna/satellite dishes, and residential storage shed. Garages or other accessory uses attached to the principal structure shall be considered part thereof and meet the requirements of the principal structure. Accessory buildings and accessory uses within a Residential District shall further be subject to the following:
- a. Subject to the restrictions set forth herein, buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted so as not to produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat, or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof, and shall be on the premises of the main use.
  - b. An accessory building shall not be constructed of or be part of any of the following:
    - i. Mobile homes;
    - ii. Grain bins;
    - iii. Pickup toppers;
    - iv. Campers;
    - v. Railcars;
    - vi. Semi-trailers;
    - vii. Cargo containers;
    - viii. Sea containers;
    - ix. Shipping containers; or
    - x. Any other sealed mobile storage containers.
  - c. An accessory building shall not be part of or consist of a vehicle, trailer, or portions thereof, originally designed or designated for travel or use upon a public roadway.
  - d. An accessory building shall not consist of any recycled or salvaged materials unless the structure meets all applicable building codes. The exterior siding of any accessory building shall consist of new materials, with the exception that logs, bricks, cement blocks, non-rusted steel metal or recomposed plastics are exempt from the need of new material exterior siding.

- e. No more than two accessory buildings shall be constructed on any lot. If there is only one accessory building on the lot, the accessory building shall not exceed 720 square feet. If there are two accessory buildings on the premises, neither accessory building shall exceed 120 square feet.
- f. Accessory buildings shall not exceed a height of 15 feet at the midline of the roof, and the side walls shall not exceed 9 feet in height.
- g. Accessory buildings shall have either footings at least 36 inches in depth or shall be constructed as a pole building with each of the four corners set in concrete.
- h. Any accessory building and use shall be operated and maintained under the same ownership and control and on the same lot as the primary use of the lot.
- i. No accessory building shall be built or moved onto a lot prior to commencing construction of the primary permitted building.
- j. No accessory building or use shall be erected in any required front yard or side yard.
- k. Accessory buildings may be located in the rear yard, but shall be a minimum of 5 feet from the rear lot line and a minimum of 5 feet from the side lot line.
- l. No accessory building shall be erected closer than five (5) feet from any other building.

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.

Voting Aye, Schroeder, Weber, Dahlgren, Evans, Wilcox.

Trustee Dahlgren moved that the Statutory Rule requiring ordinances to be fully and distinctly read on three different days be dispensed with, which motion was seconded by Weber. The Chairman stated the motion and instructed the Clerk to call the roll. Voting Aye, Dahlgren, Weber, Evans, Schroeder, Wilcox.

On a motion by Dahlgren, seconded by Weber, the Board voted to give Village Employees Matt Gregg, Marcus Schwarz, Lori Vinzant, Roxanne Winheim, and Carol Johnston a bonus of \$250.00. Voting Aye, Dahlgren, Weber, Wilcox, Evans, Schroeder.

On a motion by Schroeder, seconded by Evans, Resolution No. 360 was adopted and reads as follows:

**WHEREAS, THE BOARD OF TRUSTEES OF THE VILLAGE OF BERTRAND, NEBRASKA CONSIDERS IT BENEFICIAL AND PROPER TO NAME, DESIGNATE AND DEDICATE CERTAIN PROPERTY OWNED BY THE VILLAGE AS A VETERANS MEMORIAL PARK.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF BERTRAND, NEBRASKA AS FOLLOWS:**

1. That the Village of Bertrand, Nebraska does hereby designate and dedicate the following-described property owned by the Village:  
     Lots One (1), Two (2), and Three (3) in Block Nineteen (19), Original Town of Bertrand, Phelps County, Nebraska;  
     as a Veterans Memorial Park and such property shall hereafter be known as "Veterans Memorial Park".
2. That the Village of Bertrand, Nebraska, as directed and/or otherwise authorized by the Board of Trustees, may place such signage, monuments, markers, and/or other improvements upon such property as may be consistent with the intent and purpose of Veterans Memorial Park and which is honoring and aesthetically pleasing.

Voting Aye, Schroeder, Evans, Weber, Wilcox, Dahlgren.

On a motion by Schroeder, seconded by Dahlgren, the Blue Moose Bar & Grill's application for a Special Designated Liquor License for February 3, 2018 for the Hi-Line Golf Association's fundraiser was approved. Voting Aye, Schroeder, Dahlgren, Weber, Evans, Wilcox.

On a motion by Weber, seconded by Evans, the Board discussed and approved the letter of acknowledgement from the property owners at 307 Union and 311 Union regarding a privacy fence that was put three (3) feet over the property line. Voting Aye, Weber, Evans, Schroeder, Dahlgren, Wilcox.

Village Superintendent, Matt Gregg, stated that the work on Highway 23 is slated to begin in the summer of 2018. The State will be milling the surface and putting on an overlay.

Village Clerk, Carol Johnston, stated the Fire Department merger is still in process. Johnston will contact Village Attorney, Jeff Cox, in the upcoming week for a status report.

Chairman, TJ Wilcox, discussed the Mid-Winter Conference and suggested that the Board send two (2) Trustee members per year if feasible.

On a motion by Schroeder, seconded by Weber, the meeting adjourned at 8:38 PM. Voting Aye, Schroeder, Weber, Dahlgren, Evans, Wilcox.

---

Carol Johnston  
Village Clerk

---

TJ Wilcox  
Chairman of the Board