

MINUTES

February 9, 2021

The Village Board of Trustees of the Village of Bertrand, Nebraska held a Regular Meeting on Tuesday, February 9, 2021 at 7:30 PM at the Village Hall by publishing in the Holdrege Daily Citizen on February 2, 2021 and posting at the Post Office, Cross Country Market, and Village Office. The agenda for said meeting was kept continuously at the office of the Village Clerk. Present were Chairman TJ Wilcox and Trustees Robert Dahlgren, Lucas Evans, and Brian Schroeder. Absent, Fred Spiegel. Dahlgren joined the meeting at 7:34 PM.

The Chairman opened the meeting and 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 Schroeder, seconded by Evans, the consent agenda was approved. The items are the agenda are as follows: the minutes for the Regular Meeting on January 12, 2021; Village financials for January; Village payables for an amount not to exceed \$107,000; Village employees' salaries in an amount not to exceed \$26,000. Voting Aye, Schroeder, Evans, Wilcox. Dahlgren and Spiegel absent. The January payables are as follows:

AC-Armor Coating	AR-Auto Repair	CG-Curb & Gutter	DF-Dues, Fees Subscriptions
EL-Extra Labor	EQ-Equipment	ER-Equipment Repair	FP-Food Pantry
FR-Freight	FU-Fumigation	GA-Garbage Collection	GC-Gravel/Cold Mix
GG-g2g Donations	GO-Gas, Oil, Tires	GRA-Grant	GRO-Grave Opening
GS-Garage Sales	IMP-Improvement	INS-Insurance	INT-Internet
LAB-Labor	LAW-Law Enforcement	LEG-Legal	LF-Landfill
LP-Lease Payment	MH-Machine Hire	MI-Miscellaneous	MIL-Mileage/Meals
NH-Nursing Home Loan	OS-Office Supplies	PC-Pool Concessions	PF-Professional Fees
PP-Pool Project	PR-Printing/Publishing	RM-Repair/Maintenance	REN-Rental
SCH-Schooling	SR-Snow Removal	ST-Sales Tax	SS-Shop Supplies
SU-Supplies	TE-Telephone	TL-Tobacco/Liquor License	UT-Utilities
WT-Water Testing			

<b><u>CEMETERY</u></b>		<b><u>SEWER</u></b>	
Salaries/Taxes/Benefits (Jan.)	217.32	Salaries/Taxes/Benefits (Jan.)	1,783.82
Southern Power UT	31.00	C Plus GO	16.08
	<b>248.32</b>	CHS GO	16.60
<b><u>GARBAGE COLLECTION</u></b>		Southern Power UT	271.84
Waste Connection of NE GA	5,835.35	Verizon TE	10.49
	<b>5,835.35</b>		<b>2,098.83</b>
<b><u>GENERAL</u></b>		<b><u>STREET</u></b>	
Amazon (card services) OS MI	50.56	Salaries/Taxes/Benefits (Jan.)	6,444.50
ATC Communications INT	40.65	Jim Bennett SR	48.00
Black Hills Energy UT	103.87	Black Hills Energy UT	167.12
Capital Business Systems LP	106.20	C Plus GO SS	481.81
Cash Statement MI	6.00	CHS GO	123.34
Computer Assistance PF	157.50	DeWald Deaver L'Heureux LEG	602.25
Cross Country Market FP	59.28	Overton Sand & Gravel GR	444.25
Heartland Hosting (card ser.) DF	128.04	Southern Power UT	1,582.97
Hi-Line Golf Course GG	2,903.00	The Auto Shack GO	14.00
Holdrege Daily Citizen PR	12.95	Verizon TE	51.61
Microsoft Office (card ser.) DF	106.99		<b>9,905.85</b>

<b><u>GENERAL (cont.)</u></b>		<b><u>WATER</u></b>	
NE Department of Revenue ST	17.06	Salaries/Taxes/Benefits (Jan.)	14,912.77
Office Solutions OS	236.34	Black Hills Energy UT	283.50
Officenet OS	186.96	C Plus GO	32.18
One Call Concepts PF	0.77	CHS GO	33.21
Red Wing Software DF	569.50	First State Agency INS	40.00
Southern Power UT	238.00	NE Department of Revenue ST	1,367.21
Spectrum TE INT*	194.39	NE Secretary of State DF	30.00
Spectrum TE INT	194.39	Red Wing Software DF	596.50
UNO (card services) SCH	196.50	Sargent Drilling Co. ER	12,150.00
US Post Office OS	110.00	Southern Power UT	1,294.00
Lori Vinzant DF	12.25	Svoboda's ACE Hardware SU	19.07
Woodward's Disposal MI	10.00	UNO (card services) SCH	196.50
	<b>5,641.20</b>	US Post Office OS	110.00
<b><u>LAW ENFORCEMENT</u></b>		Verizon TE	20.99
Salaries/Taxes/Benefits (Jan.)	1,295.80	Roxanne Winheim MIL	44.80
Verizon TE	36.12	Woodward's Disposal MI	10.00
	<b>1,331.92</b>		<b>31,113.73</b>
<b><u>PARK</u></b>		<b><u>YARD WASTE/RECYCLING</u></b>	
Salaries/Taxes/Benefits (Jan.)	615.75	Salaries/Taxes/Benefits (Jan.)	217.32
Southern Power UT	162.23	Frontier TE	115.54
	<b>777.98</b>	Reliable Pest Control FU	43.00
<b><u>POOL</u></b>		South Central Sanitation LF	389.53
BOK Financial Bond Payment	20,610.22		<b>765.39</b>
JEO Consulting Group PP	28,012.50		
Southern Power UT	39.00		
	<b>48,661.72</b>		

Amy Grube, Nursing Home and Assisted Living Administrator, gave her report to the Board. On a motion by Schroeder, seconded by Dahlgren, the purchase of a new spa tub and lift for the Assisted Living for \$23,920 was approved using the Memorial Fund to pay for 50% of the purchase. The free bathtub through the seller's promotion will be sold to another home or municipality. Voting Aye, Schroeder, Dahlgren, Evans, Wilcox. Absent, Spiegel. On a motion by Schroeder, seconded by Evans, the Nursing Home's December financials were accepted. Voting Aye, Schroeder, Evans, Dahlgren, Wilcox. Absent, Spiegel. On a motion by Schroeder, seconded by Evans, a split in the Nursing Home's February payables to the First State Bank in the amount of \$1,879.10 was accepted. Voting Aye, Schroeder, Evans, Wilcox. Abstaining, Dahlgren. Absent, Spiegel. On a motion by Schroeder, seconded by Dahlgren, the remaining February payables for the Nursing Home were accepted in an amount not to exceed \$75,000. Voting Aye, Schroeder, Dahlgren, Evans, Wilcox. Absent, Spiegel. On a motion by Dahlgren, seconded by Schroeder, the Nursing Home employees' salaries for the month of March were accepted in an amount not to exceed \$100,000. Voting Aye, Dahlgren, Schroeder, Evans, Wilcox. Absent, Spiegel. The Nursing Home payables and salaries are as follows:

<b><u>NURSING HOME</u></b>			
<b>Paid</b>			
Salaries/Taxes/Benefits (Jan.)	120,519.85	Integrated Security	400.00
American Healthtech	397.38	K & D	172.28
Black Hills Energy	1,300.11	McKesson	691.76

<b>NURSING HOME (cont.)</b>			
Cash-Wa Distributing	322.24	Monica Alvarez	99.04
Charter	106.97	Primary Electric	393.91
Direct TV	365.11	Quill	319.88
Ecolab	215.52	RHD	11,633.00
HCIS	80.00	Sysco	4,260.47
			<b>141,277.52</b>
<b>Not Paid</b>			
AACO	3,865.99	Nurses Inc.	7,637.00
Ameri-Tech	52.11	Penner	437.80
AMGL	126.62	Phelps Memorial Hospital	185.00
Cash-Wa Distributing	719.81	Providence Engraving	10.24
CHS	419.20	Quill	79.99
Compufact	11.00	Reliable Pest Control	41.00
C Plus	187.58	Secrest Consulting	159.00
Cross Country Market	81.32	Shane Smith	300.00
Direct Supply	348.99	SpartanNash	52.41
Eakes	685.82	Stericycle	126.49
Ecolab	680.59	Sysco	869.36
First State Bank	1,879.10	Southern Power	2,720.74
Frontier	575.96	Stanley Healthcare	249.50
Holdrege Daily Citizen	18.79	Svoboda's ACE Hardware	67.93
Holdrege Pharmacy	1,165.77	The Flower Market	42.80
InSpire	8,624.40	Village of Bertrand	511.03
McKesson	1,180.56	WeCare	714.50
Barb Metzger	285.60	Woodward's Disposal	23.75
Midwest Automatic Sprinkler	433.35		<b>35,571.10</b>
<b>NOT PAID</b>	35,571.10	<b>PAYROLL March (est.)</b>	96,000.00
<b>PAYABLES February (est.)</b>	35,000.00	<b>BOARD APPROVAL 2/9/21</b>	100,000.00
	70,571.10		
<b>BOARD APPROVAL 2/9/21</b>	75,000.00		

Nate Fox, Fox Insurance Agency, presented insurance bids to the Board for review. Aaron Long, First State Agency, presented insurance bids to the Board for review.

On a motion by Schroeder, seconded by Dahlgren, a payable to Evans Repair in the amount of \$50.45 was accepted. Voting Aye, Schroeder, Dahlgren, Wilcox. Abstaining, Evans. Absent, Spiegel.

On a motion by Schroeder, seconded by Dahlgren, the discussion regarding the insurance bids presented to the Board was tabled for a Special Meeting to be held on Tuesday, February 16, 2021 at 5:00 PM. Voting Aye, Schroeder, Dahlgren, Evans, Wilcox. Absent, Spiegel. No action was taken on possible interlocal agreement or Resolution No. 444.

On a motion by Schroeder, seconded by Evans, the Employee Policy and Procedures Manual updates were approved as presented. Voting Aye, Schroeder, Evans, Dahlgren, Wilcox. Absent, Spiegel.

On a motion by Schroeder, seconded by Dahlgren, the job description for Office Personnel was approved as presented. Voting Aye, Schroeder, Dahlgren, Evans, Wilcox. Absent, Spiegel.

Wilcox introduce Ordinance No. 726 which provides for the keeping of chickens within the corporate limits of the municipality. On a motion by Schroeder, seconded by Evans, the statutory rule requiring an ordinance to be fully and distinctly read on three (3) different days was waived. Voting Aye,

Schroeder, Evans, Dahlgren, Wilcox. Absent, Spiegel. The motion to suspend the rule was adopted by three-fourths of the members elected to the Board and the statutory rule was declared suspended for consideration of said Ordinance. Thereupon said Ordinance No. 726 was then read by title and Dahlgren moved for its final passage, which motion was seconded by Evans. Voting Aye, Dahlgren, Evans, Schroeder, Wilcox. Absent, Spiegel. Said Ordinance reads as follows:

**ORDINANCE NO. 726**

of the

**VILLAGE OF BERTRAND, NEBRASKA**

**AN ORDINANCE PROVIDING FOR THE KEEPING OF AND RAISING OF CHICKENS WITHIN THE MUNICIPALITY; ADDING SECTION 6-209 TO THE MUNICIPAL CODE OR BERTRAND RELATING TO THE KEEPING OF AND RAISING OF CHICKENS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF BERTRAND, NEBRASKA:

**Section 1.** That section 6-209 of the Municipal Code of Bertrand, Nebraska shall hereby read as follows:

**6-209 POULTRY; CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS.**

- A. It shall be unlawful for any person to keep or maintain within the corporate limits any turkeys, ducks, geese, or any other poultry not classified as chickens (*gallus gallus domesticus*).
- B. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody, or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.
- C. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody, or control any chicken without a valid annual permit issued by the Village.
  1. Application shall be made to the Village Clerk and the fee for the permit shall be \$25.00.
  2. The application shall be in writing on a form furnished by the Village Clerk. All applications to keep chickens within the corporate limits must be approved by the Village Board of Trustees.
  3. The permit will expire and become invalid one (1) year after issuance. A person who wishes to continue to keep chickens shall have to renew said permit on or before the expiration date of the previous permit. The procedures for renewing said permit shall be the same as those applying for a new permit.
  4. No permit shall be assignable or transferable either as to permittee, location, or chickens.
- D. The requirements for the issuance of a permit by the Village to own, keep, harbor, or have custody or control over a chicken are as follows:
  1. No more than three (3) chickens shall be permitted on any property.
  2. The chickens must be housed in a chicken facility and run approved by the Village, such chicken facility and run to be maintained in compliance with all of the Village's requirements as a condition of the permit. The requirements for the chicken facility and run include:
    - a. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;

- b. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor, or threats to public health;
  - c. The chicken facility and run shall prevent chickens from roaming at large;
  - d. The run shall be attached to the coop and constructed to include metal wire fencing anchored to the ground and a fully enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the public;
  - e. The chicken facility shall be constructed of durable material and the flooring of any chicken facility within the coop shall be of a waterproof, hard-surface, non-porous material. Chicken run area shall not require hard-surface flooring;
  - f. The chicken facility shall provide not less than three (3) cubic feet per occupant chicken and the run shall provide not more than five (5) cubic feet per occupant chicken;
  - g. The chicken facility and run shall not be located in any front yard of a property and must be located so as to be at least five (5) feet from the rear property line, six (6) feet from the side property line and at least twenty (20) feet from any neighboring residence; and
  - h. The chicken facility and run shall comply with all applicable Village building and zoning codes and must be consistent with the requirements of any land use regulation.
3. Offal, manure, and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method in which offal, manure, and waste material accumulating from the chickens will be sanitarily disposed of at least once every seven (7) days.
4. All grain, feed, and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
- E. The slaughtering or destruction of chickens within the corporate limits of the Village shall be prohibited.

**Section 2.** Any other ordinance or section passed and approved prior to passage, approval, and publication 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 9<sup>TH</sup> DAY OF FEBRUARY 2021.**

On a motion by Schroeder, seconded by Dahlgren, the Chicken Permit Application was approved as presented. Voting Aye, Schroeder, Dahlgren, Evans, Wilcox. Absent, Spiegel.

On a motion by Schroeder, seconded by Evans, Resolution No. 443 regarding garbage rate increases for 2021 was approved. Voting Aye, Schroeder, Evans, Dahlgren, Wilcox. Absent, Spiegel. The resolution reads as follows:

**RESOLUTION NO. 443**  
**of the**  
**VILLAGE OF BERTRAND, NEBRASKA**

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

1. That the following rates are hereby established for the disposal of solid waste service provided (or otherwise contracted for) by the Village of Bertrand, Nebraska:

<u>TYPE OF SERVICE</u>	<u>APPLICABLE RATE</u>
Residential	\$14.56 per month
Commercial	
Minimum 90 gallon container	\$15.86 per month
2 Yard (400 gallon) container – shared	\$19.19 per month
2 Yard (400 gallon) container	\$38.38 per month
3 Yard (600 gallon) container	\$50.25 per month
2 & 3 Yard containers	\$88.63 per month
(4) 3 Yard containers	\$201.00 per month
(5) 3 Yard containers	\$251.25 per month

2. The foregoing rates shall become effective March 1, 2021.
3. This Resolution repeals all prior Resolutions, or parts thereof, in conflict herewith.

**PASSED AND APPROVED THIS 9<sup>TH</sup> DAY OF FEBRUARY 2021.**

On a motion by Schroeder, seconded by Evans, the purchase of a concrete breaker and post hole digger through an online auction was approved. The concrete breaker shall not exceed \$2000 and the post hole digger shall not exceed \$1,500. Voting Aye, Schroeder, Evans, Dahlgren, Wilcox. Absent, Spiegel.

On a motion by Dahlgren, seconded by Schroeder, the latest plans for the swimming pool were approved. JEO is instructed to submit the current plans to the State of Nebraska for approval. Voting Aye, Dahlgren, Schroeder, Evans, Wilcox. Absent, Spiegel.

The Board was informed that Village Clerk Vinzant will be attending the annual Clerk’s Conference through an online platform March 15<sup>th</sup> – 19<sup>th</sup>. Utilities Superintendent Gregg and Street Foreman Schwarz will be attending the annual Rural Water Conference. Days to be decided at a later time.

On a motion by Dahlgren, seconded by Evans, the Building Permit request from Lewis and Pam Tate to move in a 12’x10’x10’ accessory building to 612 Melbourne Avenue was approved. Voting Aye, Dahlgren, Evans, Schroeder, Wilcox. Absent, Spiegel. On a motion by Wilcox, seconded by Dahlgren, the Building Permit request from Lucas and Jessica Evans was tabled until a Demo Permit request application can be submitted. Voting Aye, Wilcox, Dahlgren, Schroeder. Abstaining, Evans. Absent, Spiegel.

On a motion by Schroeder, seconded by Wilcox, Resolution No. 445 regarding a property nuisance abatement was approved. Voting Aye, Schroeder, Wilcox, Dahlgren, Evans. Absent, Spiegel. The resolution reads as follows:

**RESOLUTION NO. 2021-445 (6001)  
DECLARED NUISANCE**

The Chairperson and Village Board of Trustees for the Village of Bertrand (hereinafter the Village), in regular session assembled at the Village Office Building in Bertrand, Nebraska on this 9<sup>th</sup> day of February 2021, hereby resolve as follows:

WHEREAS, the Village of Bertrand desires to declare Nuisances pursuant to the Village Code of Ordinances, Ordinance No. 649-01, Articles 1 and 2.

NOW THEREFORE:

BE IT RESOLVED that the following property located within the nuisance jurisdiction of the Village of Bertrand, Nebraska has been submitted to the Village Board at its regular meeting on February 9, 2021, to wit:

2021-BERT-6001	BERTRAND 2 <sup>ND</sup> ADDITION LOTS 4-5 BLK 4
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BE IT FINALLY RESOLVED, that the Village shall proceed as determined under the administrative procedure of Ordinance No. 649-01, Article 3(A).

**INTRODUCED AND PASSED THIS 9<sup>TH</sup> DAY OF FEBRUARY 2021.**

Matt Gregg, Utilities Superintendent, gave his report to the Board.

Lori Vinzant, Village Clerk, gave her report to the Board.

Meeting adjourned at 9:06 PM.

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Lori Vinzant, Village Clerk

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TJ Wilcox, Chairman of the Board