

MINUTES

December 10, 2019

The Village Board of Trustees of the Village of Bertrand held a regular meeting on December 10, 2019 at 8:00 PM at the Village Hall by advertising in the Holdrege Daily Citizen on December 3, 2019 and posting at the First State Bank, Post Office, and Village Office. The agenda was kept continuously at the office of the Village Clerk. Present were Chairman TJ Wilcox and Trustees Robert Dahlgren, Lucas Evans, Brian Schroeder, and Fred Spiegel.

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.

On a motion by Spiegel, seconded by Schroeder, the minutes of the Regular Meeting held on November 12, 2019 were approved. Voting Aye, Spiegel, Schroeder, Dahlgren, Evans, Wilcox.

On a motion by Schroeder, seconded by Dahlgren, the financials for the month of November were accepted. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Spiegel, seconded by Schroeder, a split in the payables to the First State Bank in the amount of \$32,027.50 was approved. Voting Aye, Spiegel, Schroeder, Evans, Wilcox. Abstaining, Dahlgren. On a motion by Dahlgren, seconded by Schroeder, the remaining payables for the month of December in the amount of \$74,186.53 were approved. Voting Aye, Dahlgren, Schroeder, Evans, Spiegel, Wilcox. The payables are as follows:

AN-Animal	DF-Dues, Fees, Subscriptions	ER-Equipment Repair
FP-Food Pantry	FR-Freight	FU-Fumigation
GA-Garbage Collection	GO-Gas, Oil	INS-Insurance
INT-Internet	LAB-Labor	LEG-Legal
LF-Landfill	LP-Lease Payment	MI-Miscellaneous
MIL-Mileage, Meals	NH-Nursing Home Project	OS-Operating Supplies
PF-Professional Fees	PP-Pool Project	PR-Printing, Publishing
SCH-Schooling	SR-Snow Removal	ST-Sales Tax
SU-Supplies	TE-Telephone	UT-Utilities
WB-Water Bond	WT-Water Testing	

<b><u>CEMETERY</u></b>		<b><u>SEWER</u></b>	
Salaries/Taxes/Benefits	210.25	Salaries/Taxes/Benefits	1,625.29
Holdrege Irrigation ER LAB	3,557.02	C Plus GO	30.94
Mead Lumber (card services) SU	374.93	CHS GO	16.57
Southern Power UT	26.76	Matt Gregg INS	225.52
	<b>4,168.96</b>	Southern Power UT	238.42
		Verizon TE	14.51
			<b>1,948.31</b>
<b><u>GARBAGE COLLECTION</u></b>		<b><u>STREET</u></b>	
Waste Connection of NE GA	5,727.34	Salaries/Taxes/Benefits	5,325.93
	<b>5,727.34</b>	Jim Bennett SR	50.00
<b><u>GENERAL</u></b>		Black Hills Energy UT	108.54
ATC Communications INT	40.60	C Plus GO	522.93
Black Hills Energy UT	88.61	Central Hydraulic ER LAB FR	1,994.12
Blue Moose (approx.) MI	250.00	CHS GO	16.57
Capital Business Systems LP	102.20	Countryside Market OS	15.72
Cash Statement MI	20.55		
Countryside Market FP	153.62		

Dana F. Cole PF	1,500.00	DeWald Deaver L'Heureux LEG	1,762.50
DeWald Deaver L'Heureux LEG	439.31	First State Agency INS	653.00
Eakes Office Solutions PF	196.19	Matt Gregg INS	22.52
Frontier TE	162.27	Holdrege Daily Citizen PR	14.86
Holdrege Daily Citizen DF	75.00	Michael Todd & Co. ER FR	2,025.43
Holdrege Daily Citizen PR	155.03	Orschlen's (card services) OS	24.99
Hometown Leasing LP	110.24	Ralph's Welding ER LAB	162.04
Jeffery Consulting NH	14,353.75	Southern Power UT	1,326.16
NE Department of Revenue ST	0.91	The Auto Shack GO	14.00
One Call Concepts PF	3.46	UNL (card services) SCH	62.54
SCEDD PF LAB MI	5,375.69	Verizon TE	69.22
Southern Power UT	134.00		<b>14,171.07</b>
US Post Office OS	94.39	<b><u>WATER</u></b>	
US Post Office DF	117.50	Salaries/Taxes/Benefits	12,776.22
Woodward's Disposal MI	10.00	Black Hills UT	188.17
	<b>23,383.32</b>	C Plus GO	61.89
		<b><u>WATER (cont.)</u></b>	
<b><u>LAW ENFORCEMENT</u></b>		Cash Statement MI	7.35
Salaries/Taxes/Benefits	1,252.52	CHS GO	33.16
Bertrand Vet Clinic AN	155.00	Dana F. Cole PF	1,500.00
Straight Talk (card services) TE	38.69	DHHS (card services) DF	230.00
	<b>1,446.21</b>	First State Bank WB	32,027.50
		Frontier TE	84.19
<b><u>PARK</u></b>		Matt Gregg INS	45.06
Salaries/Taxes/Benefits	595.74	NE Department of Revenue ST	1,264.40
Southern Power UT	119.14	NE Municipal Clerk's Assoc. DF	25.00
	<b>714.88</b>	NE Public Health Env. Lab. WT	223.00
<b><u>POOL</u></b>		NE Rural Water Assoc. SCH	125.00
Black Hills Energy UT	31.91	Orschlen's (card services) OS	6.99
Frontier TE	89.86	PMHC INS	694.45
JEO Consulting Group PP	2,632.50	Southern Power UT	1,297.00
Southern Power UT	55.00	US Post Office OS	94.40
	<b>2,809.27</b>	US Post Office DF	117.50
		Verizon TE	29.03
<b><u>YARD WASTE/RECYCLING</u></b>		Roxanne Winheim INS	205.55
Salaries/Taxes/Benefits	210.25	Roxanne Winheim MIL	48.14
Frontier TE	114.24	Woodward's Disposal MI	10.00
Reliable Pest Control FU	43.00		
South Central Sanitation LF	383.18		
	<b>750.67</b>		<b>51,094.00</b>

On a motion by Spiegel, seconded by Schroeder, the Village's salaries were preapproved for the month of December in an amount not to exceed \$30,000.00. Voting Aye, Spiegel, Schroeder, Dahlgren, Evans, Wilcox.

Amy Grube, Nursing Home Administrator, gave the Nursing Home & Assisted Living report. The current census is 18 residents in the Nursing Home and 11 residents in the Assisted Living. On a motion by Schroeder, seconded by Spiegel, Resolution No. 412 was approved. Voting Aye, Schroeder, Spiegel, Evans, Wilcox. Abstaining, Dahlgren. The resolution reads as follows:

**RESOLUTION NO. 412**  
**BERTRAND NURSING HOME & ASSISTED LIVING/**

**VILLAGE OF BERTRAND, NEBRASKA  
TO OBTAIN AN EXTENSION OF CREDIT**

**WHEREAS**, the Village of Bertrand, Nebraska is the owner of the Bertrand Nursing Home & Assisted Living facility; and

**WHEREAS**, the Board of Trustees of the Village of Bertrand, Nebraska deems it advisable to authorize the borrowing of certain funds for purposes of the operations of the Bertrand Nursing Home & Assisted Living.

**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 should be and hereby is authorized to borrow and obtain loans and extensions of credit from the First State Bank of Bertrand, Nebraska for purposes of the operations of the Bertrand Nursing Home & Assisted Living, with the principal amount of said borrowings, loans, and extensions of credit not to exceed the total sum of Fifty Thousand and No Dollars (\$50,000.00) to be paid back in a 12-month time period; and
2. That the Chairman of the Board of Trustees shall be and hereby is authorized to enter into said borrowings, loans, and extensions of credit on behalf of the Village of Bertrand, Nebraska, and he is hereby authorized to execute any Promissory Notes, Loan Agreements and other instruments as the First State Bank, Bertrand, may require in relation to said borrowings, loans and extensions of credit.

**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019.**

On a motion by Schroeder, seconded by Spiegel, the financials for the month of October were accepted. Voting Aye, Schroeder, Spiegel, Dahlgren, Evans, Wilcox. On a motion by Schroeder, seconded by Evans, a split in the payables to the First State Bank in the amount of \$1,879.10 was approved. Voting Aye, Schroeder, Evans, Spiegel, Wilcox. Abstaining, Dahlgren. On a motion by Evans, seconded by Schroeder, the remaining payables for the month of December in the amount of \$159,627.40 were approved. Voting Aye, Evans, Schroeder, Dahlgren, Spiegel, Wilcox. The payables are as follows:

<b><u>NURSING HOME</u></b>			
Salaries/Taxes/Benefits	78,128.85	Holdrege Pharmacy	1,169.44
Monica Alvarez	139.87	InSpire Holdrege	5,984.68
American Healthtech	397.38	Marlin Business Bank	582.23
<b><u>NURSING HOME (cont.)</u></b>			
AMGL	12,878.42	McKesson	2,525.89
Artisan Menu Covers	54.38	Nationwide	3,070.77
Barb Metzger	300.60	Nebraska.gov	16.00
Black Hills Energy	980.41	Nurses Incorporated	15,800.63
C Plus	333.63	Prioricare	310.37
Carstens	25.25	Quill	491.23
Cash-Wa Distributing	2,769.20	Reliable Pest Control	41.00
Charter	91.33	RHD	11,186.00
Clipper Herald	125.22	Rx Care Assurance	104.31
Compufact	11.00	Secrest LTC Consulting	501.52
Countryside Market	392.44	Shane Smith	300.00
Direct TV	354.04	Southern Power District	2,379.30
Dollar General	9.00	SpartanNash	123.10
Family Medical Specialties	624.00	Stericycle	120.78
First State Bank	1,879.10	Svoboda's ACE Hardware	147.39

Buck Franssen	38.28	Sysco	8,899.05
Frontier	604.93	United Heartland	5,131.00
Amy Grube	196.38	US Post Office	220.00
HCIS	80.00	Village of Bertrand	505.05
HD Supply	69.21	WeCare	1,196.50
Hobart	142.89	Woodward's Disposal	23.75
Holdrege Daily Citizen	50.70		<b>161,506.50</b>

On a motion by Schroeder, seconded by Evans, a split in the estimated payables to the First State Bank in the amount of \$1,879.10 was preapproved. Voting Aye, Schroeder, Evans, Spiegel, Wilcox. Abstaining, Dahlgren. On a motion by Schroeder, seconded by Evans, the Nursing Home & Assisted Living's estimated payroll for December and January and the estimated payables for January were preapproved in an amount not to exceed \$265,000.00. The estimated payrolls and payables are as follows:

<b><u>NURSING HOME (Estimated)</u></b>			
December 1 <sup>st</sup> Payroll	38,076.00	Nationwide	3,070.77
December 2 <sup>nd</sup> Payroll	63,578.00	Petty Cash	600.00
January Total Payroll	127,500.00	Reliable Pest Control	41.00
American Healthtech	397.38	RHD	11,186.00
Black Hills Energy	2,000.00	Shane Smith	300.00
Charter	92.00	Southern Power	3,300.00
Direct TV	354.04	Stericycle	120.78
First State Bank	1,879.10	United Heartland	5,131.00
Frontier	610.00	USPS	220.00
HCIS	80.00	Village of Bertrand	505.05
Marlin Business Bank	506.29	Woodward's	23.75

The Board reviewed the recommendations from the Nebraska State Auditors. Spiegel moved for the adoption of Ordinance No. 698 regarding the Nursing Home Board. It reads as follows:

**ORDINANCE NO. 698**

of the

**VILLAGE OF BERTRAND, NEBRASKA**

AN ORDINANCE RELATING TO THE NURSING HOME AND ASSISTED LIVING BOARD; TO NAME THE VILLAGE BOARD OF TRUSTEES AS THE NURSING HOME BOARD; TO ALLOW FOR A THIRD-PARTY ENTITY TO MAINTAIN DAY-TO-DAY OPERATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

**Section 1.** Section 2-203 of the Bertrand Municipal Code is amended to read as follows:

**NURSING HOME AND ASSISTED LIVING BOARD.** The Village Board of Trustees shall act as the Nursing Home and Assisted Living Board. The Board shall consist of five (5) members who shall be residents of the Municipality. The members of the Board shall serve a one (1) year term of office unless reappointed and one (1) member shall be appointed or re-appointed each year. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body and conditioned upon the faithful performance of their duties. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Governing Body may designate. Special meeting may be held upon the call of the chairman, or any three (3) members of the Board. The minutes of the Nursing Home and Assisted Living Board meetings shall be a public record open to inspection by the public upon request at any

reasonable time at the office of the Municipal Clerk. It shall be the duty of the Board to have general charge of the Municipal Nursing Home and Assisted Living and establish appropriate rules and regulations for the management, operation, and use of the same. The Board may enter into a contract with a third-party entity for the day-to-day management of the care facility. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may, from time to time, designate. (Ref. 17-966 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 10<sup>TH</sup> DAY OF DECEMBER.**

Said ordinance was duly and distinctly read. On a motion by Schroeder, seconded by Dahlgren, the Statutory Rule requiring ordinances to be fully and distinctly read on three different days be dispensed with. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. The Chairman stated the motion to adopt Ordinance No. 698 and it was seconded by Evans. Voting Aye, Spiegel, Evans, Dahlgren, Schroeder, Wilcox.

James Nelson, Ordinance Officer, gave his report. On a motion by Spiegel, seconded by Dahlgren, Resolution 413 was approved. Voting Aye, Spiegel, Dahlgren, Evans, Schroeder, Wilcox. The resolution reads as follows:

**RESOLUTION NO. 413  
of the  
VILLAGE OF BERTRAND, NEBRASKA**

**Rescinding Prior Resolution No. 2019-411;4132 – 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. 2019-411;4132 is abated and the property cleared of nuisances.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Bertrand rescinds Resolution No. 2019-411;4132 on the following property:

2019-BERT-4132	BIESECKERS ADDITION PT.NW1/4 6-6-20 76X160'
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**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**Rescinding Prior Resolution No. 2019-411;4133 – 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. 2019-411;4133 is abated and the property cleared of nuisances.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Bertrand rescinds Resolution No. 2019-411;4133 on the following property:

2019-BERT-4133	BERTRAND ORIGINAL TOWN N.10' LOT 8, LOT 9 BLK 20
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**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**Rescinding Prior Resolution No. 2019-411;4134 – 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. 2019-411;4134 is abated and the property cleared of nuisances.  
**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Bertrand rescinds Resolution No. 2019-411;4134 on the following property:

2019-BERT-4134	BERTRAND SECOND ADDITION S.35' LOT 4, LOTS 5-6, BLK 6
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**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019.**

Nominations for Chairman of the Board were requested. On a motion by Dahlgren, seconded by Spiegel, the nominations ceased. TJ Wilcox was elected Chairman of the Board by ballot vote. Nominations for Vice-Chairman of the Board were requested. On a motion by Dahlgren, seconded by Evans, the nominations ceased. Brian Schroeder was elected Vice-Chairman of the Board by ballot vote. Wilcox appointed committees as assigned.

On a motion by Schroeder, seconded by Dahlgren, Lori Vinzant was reappointed Village Clerk. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Schroeder, seconded by Dahlgren, Roxanne Winheim was reappointed Village Treasurer. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Schroeder, seconded by Dahlgren, Matt Gregg was reappointed Municipal Utilities Superintendent. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Spiegel, seconded by Schroeder, Resolution No. 414 was approved. Voting Aye, Spiegel, Schroeder, Dahlgren, Evans, Wilcox. The resolution reads as follows:

**RESOLUTION NO. 414**  
**of the**  
**VILLAGE OF BERTRAND, NEBRASKA**  
**SIGNING OF THE**  
**YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT FORM**  
**2019**

**WHEREAS**, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;  
**WHEREAS**, the State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;  
**WHEREAS**, the NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e.,

employed, contract (consultant or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**WHEREAS**, the NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

**BE IT RESOLVED** that the Village Chairperson of Bertrand, Nebraska is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

**ADOPTED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019 AT BERTRAND, NEBRASKA.**

On a motion by Dahlgren, seconded by Evans, Taylor L'Heureux was reappointed as the Village's Attorney. Voting Aye, Dahlgren, Evans, Schroeder, Spiegel, Wilcox. On a motion by Schroeder, seconded by Evans, James Nelson was reappointed as the Village Ordinance Officer. Voting Aye, Schroeder, Evans, Dahlgren, Spiegel, Wilcox.

On a motion by Schroeder, seconded by Spiegel, Resolution No. 415 was approved. Voting Aye, Schroeder, Spiegel, Dahlgren, Evans, Wilcox. The resolution reads as follows:

**RESOLUTION NO. 415**  
**of the**  
**VILLAGE OF BERTRAND, NEBRASKA**

**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 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 for 2020.
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 for 2020.

**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019.**

On a motion by Spiegel, seconded by Dahlgren, Resolution No. 416 was approved. Voting Aye, Spiegel, Dahlgren, Evans, Schroeder, Wilcox. On a motion by Spiegel, seconded by Evans, the prior motion was rescinded. Voting Aye, Spiegel, Evans, Dahlgren, Schroeder, Wilcox. On a motion by Spiegel, seconded by Evans, Resolution No. 416 was approved. Voting Aye, Spiegel, Dahlgren, Evans, Wilcox. Abstaining, Schroeder. The resolution reads as follows:

**RESOLUTION NO. 416**  
**of the**  
**VILLAGE OF BERTRAND, NEBRASKA**

**MEMBER RESOLUTION FOR NMPP MEMBERS' COUNCIL**

**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 Mathew Gregg as the Representative of the Village of Bertrand, State of Nebraska to the Members' Council of the Nebraska Municipal Power Pool for 2020.

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 for 2020.

**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2019.**

Sharon Hueftle, SCEDD representative, presented the Board with the 2019 Nuisance Abatement program. On a motion by Schroeder, seconded by Dahlgren, Resolution No. 419 which rescinds Resolution Nos. 337 and 396 and clears the following properties of nuisances: 2016-BERT-1019 and 2019-BERT-4112. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. Property 2018-BERT-3068 will be sent an extension request. Property 2018-BERT-3117 will be sent a letter to verify that vehicle is operable. Ordinance Officer will deal with property 201—BERT-4071. Property 2019-BERT-4085 will be sent a letter to request an inspection. SCEDD will seek legal advice regarding property 2019-BERT-4130. On a motion by Schroeder, seconded by Spiegel, the following properties were granted extensions until May 1, 2020: 2018-BERT-3006, 3007, 3008, 3116 and 2019-BERT-4128. Voting Aye, Schroeder, Spiegel, Evans, Wilcox. Abstaining, Dahlgren.

On a motion by Spiegel, seconded by Schroeder, Resolution No. 417 was approved. Voting Aye, Spiegel, Schroeder, Evans, Wilcox. Abstaining, Dahlgren. The resolution reads as follows:

**RESOLUTION NO. 417**

**of the**

**VILLAGE OF BERTRAND, NEBRASKA**

**AUTHORIZING OFFICERS TO MAKE DEPOSITS and WITHDRAWALS**

**I HEREBY CERTIFY**, that I am the Clerk of the Bertrand Village Board of Trustees of the Village of Bertrand, Nebraska, Phelps County, Nebraska, a corporation organized and existing under the laws of the State of Nebraska.

**I FURTHER CERTIFY**, that a meeting of the Village Board of Trustees of said Corporation was duly called and held at the Bertrand Village Hall of Bertrand, Nebraska and the State of Nebraska on the 10<sup>th</sup> day of December 2019, that at said meeting a quorum was present and voting throughout, and that the following resolution was duly adopted and is now in full force and effect.

**RESOLVED**, that the First State Bank, 601 Minor Avenue, Bertrand, NE 68927 be and it is hereby designated as a depository of the funds of this Corporation, and that the said funds be subject to withdrawal upon checks, notes, drafts, bills of exchange, acceptances, undertakings or other funds for the payment of money. All accounts, except the Utility Deposit Account, are required to have double (2) signatures. Persons authorized to sign the checks for the Village of Bertrand are the Clerk, Treasurer, Chairman of the Board, and Vice Chairman of the Board. The following persons are authorized to sign the above reference documents for the Village of Bertrand:

Lori Vinzant, Village Clerk

TJ Wilcox, Chairman of the Board

**RESOLVED**, that above named Firm is authorized to pay any such checks, notes, drafts, bills of exchange, acceptances, undertakings or other orders and also to receive the same for the credit of or in payment from the payee or any other holder without inquiry as to the circumstances of issue or the disposition of the proceeds thereof, even if drawn to the individual order of any signing officer or payable to said Firm or others for his account, or tendered in payment of his individual obligation. The following accounts must have two (2) signatures on the above referenced documents:

**100-116**

**Premier Operating Checking**

**100-391**

**Premier Savings Account**

The following persons authorized to sign for the Village of Bertrand:

Lori Vinzant, Village Clerk

TJ Wilcox, Chairman of the Board

The following checking and savings accounts are required to have only one (1) signature:

**100-138**

**Utility Deposit Checking**



29637

Food Pantry

With one (1) of the following persons authorized to sign for the Village of Bertrand:

Lori Vinzant, Village Clerk

TJ Wilcox, Chairman of the Board

**RESOLVED**, that any and all endorsements for or on behalf of this Corporation upon checks, drafts, notes or instruments for deposit or collection made with the said Firm may be written or stamped endorsements of the Corporation without any designation of the person making such endorsements.

**RESOLVED**, that said Firm be promptly notified in writing by the Secretary or any other officer of this Corporation of any change in these resolutions or our By-Laws and that until it has actually received such notice in writing said Firm is authorized to act in pursuance of these regulations.

**I FURTHER CERTIFY**, that these resolutions are within the power of the Village Board of Trustees to pass as provided in the Charter and By-Laws of this Corporation, and that the present officers of this Corporation and their respective titles are as follows:

<u>NAME</u>	<u>TITLE</u>
Lori Vinzant	Clerk
TJ Wilcox	Chairman of the Board

**IN WITNESS WHEREOF**, I have hereunto set my hand as Clerk and affixed the corporate seal this 10<sup>th</sup> day of December 2019.

On a motion by Spiegel, seconded by Schroeder, Resolution No. 418 was approved. Voting Aye, Spiegel, Schroeder, Evans, Wilcox. Abstaining, Dahlgren. The resolution reads as follows:

**RESOLUTION NO. 418**

of the

**BERTRAND NURSING HOME & ASSISTED LIVING and  
VILLAGE OF BERTRAND, NEBRASKA**

**AUTHORIZING OFFICERS TO MAKE DEPOSITS AND WITHDRAWALS**

**I HEREBY CERTIFY**, that I am the Clerk of the Village of Bertrand, Phelps County, Nebraska, owner of the Bertrand Nursing Home and Assisted Living, a corporation organized and existing under the laws of the State of Nebraska.

**I FURTHER CERTIFY**, that a meeting of the Village Board of Trustees of said Corporation was duly called and held at the Bertrand Village Hall of Bertrand, Nebraska, State of Nebraska on the 10<sup>th</sup> day of December 2019, that at said meeting a quorum was present and voting throughout, and that the following resolution was duly adopted and is now in full force and effect.

**RESOLVED**, that the First State Bank, 601 Minor Avenue, Bertrand, NE 68927 be and it is hereby designated as a depository of the funds of this Corporation, and that the said funds be subject to withdrawal upon checks, notes, drafts, bills of exchange, acceptances, undertakings or other orders for the payment of money. All accounts are required to have double (2) signatures as follows:

**Signature of one (1) of the following Village of Bertrand Officers:**

Lori Vinzant, Village Clerk

TJ Wilcox, Chairman of the Board

**And additionally, signature of one (1) of the following from the Bertrand Nursing Home:**

Amy Grube, Nursing Home Administrator

Joey Kugler, Office Manager

**RESOLVED**, that above named Firm is authorized to pay any such checks, notes, drafts, bills of exchange, acceptances, undertakings or other orders and also to receive the same for the credit of or in payment from the payee or any other holder without inquiry as to the circumstances of issue or the disposition of the proceeds thereof, even if drawn to the individual order of any signing officer or payable to said Firm or others for his account, or tendered in payment of his individual obligation. The following checking account must have two (2) signatures on it:

100-226

NOW Account

264-412

Resident Trust Account

**RESOLVED**, that any and all endorsements for or on behalf of this Corporation upon checks, drafts, notes or instruments for deposit or collection made with the said Firm may be written or stamped endorsements of the Corporation without any designation of the person making such endorsements.

**RESOLVED**, that said Firm be promptly notified in writing by the Secretary or any other officer of this Corporation of any change in these resolutions or our By-Laws and that until it has actually received such notice in writing said Firm is authorized to act in pursuance of these resolutions.

**I FURTHER CERTIFY**, that these resolutions are within the power of the Village Board of Trustees to pass as provided in the Charter and By-Laws of this Corporation, and that the present officers of this Corporation and their respective titles are as follows:

<u>NAME</u>	<u>TITLE</u>
TJ Wilcox	Chairman of the Board of Trustees
Lori Vinzant	Village Clerk
Amy Grube	Nursing Home Administrator
Joey Kugler	Nursing Home Office Manager

**IN WITNESS WHEREOF**, I have hereunto set my hand as Clerk and affixed the corporate seal this 10<sup>th</sup> day of December 2019.

On a motion by Schroeder, seconded by Dahlgren, year-end incentives for the Village employees in the amount of \$250.00 per employee were approved. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox.

No action was taken regarding the flagpole at the cemetery. Grant options will be researched for funding of this project.

On a motion by Schroeder, seconded by Dahlgren, the removal of asbestos at 906 Mason Avenue was approved. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Schroeder, seconded by Dahlgren, the previous motion was rescinded. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Spiegel, seconded by Schroeder, it was approved for Matt Gregg, Utilities Superintendent, to enter into a contract with Great Plains not to exceed \$4,000.00 for the removal of asbestos for the property located at 906 Mason Avenue. Voting Aye, Spiegel, Schroeder, Dahlgren, Evans, Wilcox.

On a motion by Spiegel, seconded by Schroeder, a bid from Lucas Evans to purchase the Village's 1999 Chevy pickup for the amount of \$150.00 was approved. Voting Aye, Spiegel, Schroeder, Dahlgren, Wilcox. Abstaining, Evans.

On a motion by Schroeder, seconded by Dahlgren, the application from the Blue Moose Bar & Grill for a Special Designated Liquor license for the Hi-Line Golf Course annual fundraiser on February 8, 2019 at the Bertrand Community Building was approved. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox.

Trustee Spiegel moved for the adoption of Ordinances 693 through 697 to harmonize with state laws. The ordinances read as follows:

**ORDINANCE NO. 693**  
**of the**

**VILLAGE OF BERTRAND, NEBRASKA**

AN ORDINANCE RELATING TO ESTABLISHING SINKING FUNDS; 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 1-815 of Bertrand's Code of Ordinances is revised to read as follows regarding sinking funds and gifts of money or property:

**FISCAL MANAGEMENT; SINKING FUNDS; GIFTS OF MONEY OR PROPERTY.**

- (A) The Village is hereby empowered to receive money or property by donation, bequest, gift, devise, or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by this section, as stipulated by the donor. Title to any money or property so donated shall vest in the Board of Trustees, or in its successors in office, who shall become the owners thereof in trust to the uses of the sinking fund or funds. In the event of a donation of real estate, the Board of Trustees may manage such real estate as in the case of real estate donated to the village for village library purposes under the provisions of Neb. RS 51-215 and 51-216. (*Ref. 19-1301 RS Neb.*)
- (B) The Board of Trustees, subject to all the limitations set forth in this section, shall have the power to levy a tax of not to exceed \$0.105 on each \$100 in any one year upon the taxable value of all the taxable property within the Village for a term of not to exceed 10 years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Village, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: village libraries; village auditoriums or community houses for social or recreational purposes; village halls; village public libraries, auditoriums, or community houses in a single building; village swimming pools; village jails; village fire stations, together with firefighting equipment or apparatus; village parks; village cemeteries; village medical buildings, together with furnishings and equipment; or village hospitals. The Village shall not be authorized to levy the tax or to establish the sinking fund as provided in this division if, having bonded indebtedness, such Village has been in default in the payment of interest thereon or principal thereof for a period of 10 years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in division (C). (*Ref. 19-1302 RS Neb.*)
- (C) Before any sinking fund or funds are established or before any annual tax is levied for any such planned Village improvements mentioned in division (B) by the Village, the Board of Trustees shall declare its purpose by resolution to submit to the qualified electors of the Village at the next general Village election the proposition to provide the Village with the specific Village improvement planned under this section. The resolution of submission shall, among other things, set forth a clear description of the improvement planned, the estimated cost according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding 10 years, required to provide such cost, and the specific name or designation for the sinking fund sought to be established to carry out the planned improvement, together with a statement of the proposition for placement upon the ballot at the election. Notice of the submission of the proposition, together with a copy of the official ballot containing the proposition, shall be published in its entirety 3 successive weeks before the day of the election in a legal newspaper in or of general circulation in the Village or, if no legal newspaper is in or of general circulation in the Village, in a legal newspaper in or of general circulation in the county in which the Village is located. No such sinking fund shall be established unless the same has been authorized by a majority or more of the legal votes of the Village cast for or against the proposition. If less than a majority of the legal votes favor the establishment of the sinking fund, the planned improvement shall not be made, no annual tax shall be levied therefor, and no sinking fund or sinking funds shall be established in connection therewith, but such resolution of submission shall immediately be repealed. If the proposition shall carry at such election in the manner prescribed in this division, the Board of Trustees and its successors in office shall proceed to do all things authorized under such resolution of submission but never inconsistent with this section. The

election provided for under this section shall be conducted as provided under the Election Act. (Ref. 19-1303 RS Neb.)

- (D) All funds received by the Village Treasurer, by donation or by tax levy, as hereinbefore provided, shall, as they accumulate, be immediately invested by the Treasurer, with the written approval of the Board of Trustees, in the manner provided in Neb. RS 17-540. Whenever investments of such sinking fund or funds are made, as aforesaid, the nature and character of the same shall be reported to the Board of Trustees, and the investment report shall be made a matter of record by the Village Clerk in the proceedings of the Board of Trustees. The sinking fund, or sinking funds, accumulated under the provisions of this section, shall constitute a special fund, or funds, for the purpose or purposes for which the same was authorized and shall not be used for any other purpose unless authorized by 60% of the qualified electors of the Village voting at a general election favoring such change in the use of the sinking fund or sinking funds. The question of the change in the use of the sinking fund or sinking funds, when it fails to carry, shall not be resubmitted in substance for a period of 1 year from and after the date of such election. (Ref. 19-1304 RS Neb.)

**Statutory reference:**

*Additional levy limitations, see Neb. RS 17-702*

*Investment in warrants, see Neb. RS 77-2337*

**Section 2.** Any other ordinance of 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 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**ORDINANCE NO. 694**

**of the**

**VILLAGE OF BERTRAND, NEBRASKA**

**AN ORDINANCE RELATING TO GENERAL ELECTION BALLOT PROCEDURES; 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 1-708 of the Bertrand Municipal Code is revised to read as follows regarding general election ballot procedures:

**ELECTIONS; PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES.**

(A)(1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 32-621 or by nomination by political party convention or committee pursuant to Neb. RS 32-627 or 32-710.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-625(2) and the candidate files for the office by petition as prescribed in divisions (B) and (C) of this section, files as a write-in candidate as prescribed in Neb. RS 32-615, or is nominated by political party convention or committee pursuant to Neb. RS 32-710. (Ref. 32-616 RS Neb.)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan

office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the village, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. RS 32-607. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election. *(Ref. 32-617 RS Neb.)*

(C)(1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the village or in the ward in which the officer is to be elected, not to exceed 2,000.

(2) The number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least 4,000 and at least 750 signatures shall be obtained in each congressional district in the state;

(b) For each partisan office to be filled by the registered voters of a county, at least 20% of the total number of registered voters voting for Governor or the President of the United States at the immediately preceding general election within the county, not to exceed 2,000 except that the number of signatures shall not be required to exceed 25% of the total number of registered voters voting for the office at the immediately preceding general election; and

(c) For each partisan office to be filled by the registered voters of a political subdivision other than a county, at least 20% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the political subdivision, not to exceed 2,000. *(Ref. 32-618 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 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**ORDINANCE NO. 695**

**of the**

**VILLAGE OF BERTRAND, NEBRASKA**

**AN ORDINANCE RELATING TO RECALL ELECTION PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATED.**

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

**Section 1.** Section 1-717 of the Bertrand Municipal Code is amended to read as follows regarding recall election procedures:

**ELECTIONS; RECALL PROCEDURE.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FILING CLERK.** The Election Commissioner or County Clerk. *(Ref. 32-1301 RS Neb.)*

(B) Any member of the governing body may be removed from office by recall pursuant to this section. *(Ref. 32-1302 RS Neb.)*

(A)(1) A petition demanding that the question of removing a member of the governing body be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, a recall petition filing form shall be signed and filed with the filing clerk by at least 1 registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form shall state the name and office of the Trustee sought to be removed, shall include in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the Trustees by any method specified in Neb. RS 25-505.01, or if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the filing form at the Trustee's usual place of residence and mailing a copy by first-class mail to the Trustee's last-known address. If the Trustee chooses, he or she may submit a defense statement in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the Trustee receives the copy of the filing form. The filing clerk shall prepare the petition papers within 5 business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within 20 days after being notified by the filing clerk that the petition papers are available. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to person who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of Neb. RS 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question. (*Ref. 32-1303 RS Neb.*)

(D) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(E)(1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators as provided in division (C) of this section.

(2) Within 15 days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk

shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose. *(Ref. 32-1305 RS Neb.)*

(F)(1) if the recall petition is found to be sufficient, the filing clerk shall notify the Trustee whose removal is sought and the governing body that sufficient signatures have been gathered.

Notification of the Trustee may be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the Trustee's place of residence and mailing a copy by first-class mail to the Trustee's last-known address.

(2) The governing body shall order an election to be held not less than 50 nor more than 80 days after the notification of the Trustee whose removal is sought under division (F)(1) of this section, except that if any other election is to be held in the village within 90 days after such notification, the Board shall provide for the holding of the recall election on the same day. All resignations shall be tendered as provided in Neb. RS 32-562. If the Trustee whose removal is sought resigns before the recall election is held, the Board may cancel the recall election if the Board notifies the election commissioner or county clerk of the cancellation at least 24 days prior to the election, otherwise the recall election shall be held as scheduled.

(3) If the governing body fails or refuses to order a recall election within the time required, the election may be ordered by the district court having jurisdiction over a county in which the Trustee serves. If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election. *(Ref. 32-1306)*

(G) The form of the official ballot at a recall election held pursuant to division (F) of this section shall conform to the requirements of Neb. RS 32-1307.

(H)(1) If a majority of the votes cast at a recall election are against the removal of the Trustee named on the ballot or the election results in a tie, the Trustee shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (I) of this section.

(2) If a majority of the votes cast at a recall election are for the removal of the Trustee named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the Trustee is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section and Neb. RS 32-567 to 32-570 and 32-574.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the Trustees in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the Trustee files a written statement with the filing clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of one-half or more of the members of the governing body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk.

(5) No Trustee who is removed at the recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the governing body during the remainder of his or her term of office. *(Ref. 32-1308)*

(I) No recall petition filing form shall be filed against an elected Trustee within 12 months after a recall election has failed to remove him or her from office or within 6 months prior to the incumbent filing deadline for the office. *(Ref. 32-1309 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 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**ORDINANCE NO. 696**

**of the**

**VILLAGE OF BERTRAND, NEBRASKA**

**AN ORDINANCE RELATING TO PROPERTY TAX REQUEST; HEARING NOTICES; 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 1-823 of the Bertrand Municipal Code is revised to read as follows regarding procedure for setting a property tax request:

**FISCAL MANAGEMENT; PROPERTY TAX REQUEST; PROCEDURE FOR SETTING.**

- (A) If the annual assessment of property would result in an increase in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the Village's property tax request for the current year shall be no more than its property tax request in the prior year, and the Village's rate of levy for the current year shall be decreased accordingly when such rate is set by the county board of equalization pursuant to Neb. RS 77-1601. The Board of Trustees shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section.
- (B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the Village's property tax request for the current year shall be no more than its property tax request in the prior year, and the Village's rate of levy for the current year shall be adjusted accordingly when such rate is set by the county board of equalization pursuant to Neb. RS 77-1601. The Board of Trustees shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the Board of Trustees seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section.
- (C) The resolution or ordinance required under this section shall only be passed after a special public hearing called for the purpose is held and after notice is published in a newspaper of general circulation in the area of the Village at least 4 calendar days prior to the hearing. For purposes of such notice, the 4 calendar days shall include the day of publication but not the day of the hearing. If the Village's total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the notice may be posted at the Board of Trustee's principal headquarters.
- (D) The hearing notice shall contain the following information:
  - (1) The certified taxable valuation under Neb. RS 13-509 for the prior year, the certified taxable valuation under Neb. RS 13-509 for the current year, and the percentage of increase or decrease in such valuation from the prior year to the current year;



- (2) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;
  - (3) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation;
  - (4) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund the tax request;
  - (5) The percentage increase or decrease in the property tax rate from the prior year to the current year; and
  - (6) The percentage increase or decrease in the total operating budget from the prior year to the current year.
- (E) Any resolution or ordinance setting the Village's property tax request at an amount that exceeds the Village's property tax request in the prior year shall include, but not be limited to, the following information:
- (1) The name of the Village;
  - (2) The amount of the property tax request;
  - (3) The following statements:
    - (a) The total assess value of property differs from last year's total assessed value by \_\_\_\_\_ percent;
    - (b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$\_\_\_\_\_ per \$100 of assessed value;
    - (c) The Village proposes to adopt a property tax request that will cause its tax rate to be \$\_\_\_\_\_ per \$100 of assessed value; and
    - (d) Based on the proposed property tax request and changes in other revenue, the total operating budget of Village of Bertrand will exceed last year's by \_\_\_ percent; and
  - (4) The record vote of the Board of Trustees in passing such resolution or ordinance.
- (F) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the Count Clerk on or before October 13 of the year for which the tax request is to apply.
- (G) Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606. (*Ref. 77-1601.02 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 10<sup>TH</sup> DAY OF DECEMBER 2019.**

**ORDINANCE NO. 697  
of the**

**VILLAGE OF BERTRAND, NEBRASKA**

**AN ORDINANCE RELATING TO GAMBLING; 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.** The Village's Code of Ordinances is revised to read as follows regarding possession of a gambling device:

**MISDEMEANORS; GAMBLING.**

- (A) For the purpose of this section, the definitions found in Neb. RS 28-1101 shall be used/

- (B) A person commits the offense of promoting gambling if her or she knowingly:
- (1) Advances or profits from any unlawful gambling activity by:
    - (a) Engaging in bookmaking;
    - (b) Receiving, in connection with any unlawful gambling scheme or enterprise, any amount of money played in the scheme or enterprise in any 1 day; or
    - (c) Betting something of value in an amount of \$500 or more with one or more person in one day; *(Ref. 28-1102 and 28-1103 RS Neb.)*
  - (2) Participates in unlawful gambling as a player by betting less than \$500 in any one day. *(Ref. 28-1104 RS Neb.)*
- (C) (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.
- (2) The owner or operator of a retail establishment who is not a manufacturer, distributor, or seller of mechanical amusement devices as defined under the Mechanical Amusement Device Tax Act, shall have an affirmative defense to possession of a gambling device described in division (C)(1) of this section if the device bears an unexpired mechanical amusement device decal as required by such Act. However, such affirmative defense may be overcome if the owner or operator had actual knowledge that operation of the device constituted unlawful gambling activity at any time such device was operated on the premises of the retail establishment.
- (3) Notwithstanding any other provisions of this division, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of 26 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, is hereby declared to be illegal. *(Ref. 28-1107 RS Neb.)*
- (D) In any prosecution under this section, it shall be an affirmative defense that the writing, paper, instrument, or article possessed by the defendant was neither used nor intended to be used in the advancement of an unlawful gambling activity. *(Ref. 28-1108 RS Neb.)*
- (E) Proof of possession of any gambling device shall be prima facie evidence of possession thereof with knowledge of its contents and character. *(Ref. 28-1109 RS Neb.)*
- (F) It shall be no defense to a prosecution under any provision of this section relating to gambling that the gambling is conducted outside the Village and is not in violation of the laws of the jurisdiction in which it is conducted. *(Ref. 28-1110 RS Neb.)*
- (G) In addition to any other penalty, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices, or any gambling devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, conducted pursuant to Neb. RS 28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of this section. *(Ref. 28-1111 RS Neb.)*
- (H) In any prosecution for an offense defined in this section, when the defendant's status as a player constitutes an excusing condition, the fact that the defendant was a player shall constitute an affirmative defense. *(Ref. 28-1112 RS Neb.)*
- (I) Nothing in this section shall be construed to:
- (1) Apply to or prohibit watering on the results of horseraces by the pari-mutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings; or

(2) Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or Neb. RS 9-701. (Ref. 28-1113 RS Neb.)

(J) In any prosecution under this section in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event. (Ref. 28-1117 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 10<sup>TH</sup> DAY OF DECEMBER 2019.**

Said ordinances were duly and distinctly read. On a motion by Schroeder, seconded by Dahlgren, the Statutory Rule requiring ordinances to be fully and distinctly read on three different days be dispensed with. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. The Chairman stated the motion to adopt Ordinances Nos. 693 through 697 and it was seconded by Schroeder. Voting Aye, Spiegel, Schroeder, Dahlgren, Evans, Wilcox.

On a motion by Schroeder, seconded by Dahlgren, the Building/Fence Permit requests from Anthony Smith to construct a deck and fence at 1102 Kane Street were approved. Voting Aye, Schroeder, Dahlgren, Evans, Spiegel, Wilcox. On a motion by Wilcox, seconded by Spiegel, the Building Permit request from Daphne Benson to construct a 20'x45' concrete pad at 613 Minor Avenue was approved. Voting Aye, Wilcox, Spiegel, Dahlgren, Evans, Schroeder.

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

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

Meeting adjourned at 9:33 PM.

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Lori Vinzant, Village Clerk

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TJ Wilcox, Chairman of the Board