

VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 21, 2021

Rupe called the meeting to order at 6:00 PM in the Ceresco Community Room. Board Members had been given the agenda and supporting documents. Notice of the One & Six Year Street Hearing was published in the Wahoo Newspaper on the 2nd day of September, 2021. Notices were also posted at the Village Office, Ceresco Post Office, and CerescoBank. Rupe pointed out the Open Meeting Law Act posted on the wall of the Community Room. Answering roll call: Rupe, Ubben, Custer and Ruble. Eggleston entered the meeting at 7:57 PM. Also present: Julie Ogden, Jay Spearman, Steve Anderson, Brian Roland, and Joan Lindgren.

The Pledge of Allegiance was recited.

Rupe moved to open the Public Hearing for the One and Six Year Street Improvement Plan at 6:01 PM. Ubben seconded. Voting Yeas: Rupe, Ubben, Custer and Ruble. Nays: none. Motion carried.

Julie Ogden was present to review the 2021-2022 One and Six Year Street Improvement Plan. Discussion held.

Projects completed in the 2020/2021 Fiscal Year were: **1) M-196(59):** Laura Lane at Beech Street – remove & replace existing street between curb section and install storm sewer and upgrade curb ramps. **2) M-196(63)*:** Hunter Street from 3rd Street to Park Street and Park Street from west of 3rd Street to west of Hunter Street – Construction of a new concrete curb and gutter street in a new subdivision in the Village Limits (33') wide includes Storm Sewer and sidewalks.

Projects on the **One Year Plan Fiscal Year 2021/2022 (October 1st to September 30th)** include **1) M-196(64):** Main Street from west of 3rd Street to east of Precinct Road – Joint Repair (20) joints, Mill and Asphalt Overlay (3") of existing roadway, 22 ft wide; and 5th Avenue from Main Street to Beech Street – Joint Repair (10) joints. **2) M-169(69):** Elm Street, 150' west of Hwy 77 – Bridge Deck Repairs; and Main street, 125' west of Hwy 77 – Repair East Bridge Approach. **3) M-169(70):** 3rd Street from Main Street to Hunter Drive – Remove and replace street (33' wide) with new concrete, address storm drainage, if needed.

Projects on the **Six Year Plan Fiscal Year 2022/2023 to 2026/2027 (October 1st to September 30th)** include **1) M-196(53):** Cameron Street from 2nd Street to Archie Street – Remove and replace street and parking with new concrete and address storm drainage (ditch clean out). **2) M-196(65):** 3rd Street from Beech Street to Elm Street and Elm Street at 3rd Street Intersection – Mill and overlay existing roadway (22' wide, 3" overlay) with patching. Elm Street intersection reconstruction with concrete. **3) M-196(62):** 3rd from Spruce Street to Beech Street – Mill and overlay existing roadway (22' wide, 3" overlay). Add drive-over curb adjacent to the parking lot. **4) M-196(66):** Elm Street from 3rd Street to 4th Street – Mill and overlay existing roadway (22' wide, 3" overlay) with patching as needed. **5) M-196(51):** 2nd Street from Pine Street to Beech Street – Remove and replace street and parking with new concrete, update sidewalks and address storm drainage. Coordinate with Village utility improvements also needed in this area (not included in estimate).

Jay Spearman with Piper Jaffray & Co was present to discuss bonding bridge and street projects. He reviewed there are two options: 1) Create a Street Improvement District, which will require a public hearing, even if the project isn't being assessed. Interest rates cannot be locked in for about a year. The total cost is known. 2) Highway Allocation Bonds, which is bonding against the Village's Highway Allocation received from the State. The total cost is estimated, and more often used for catastrophic events.

Spearman noted that one tenth of a percent movement in the market equates to about \$4,200.00.

Ubben asked what most communities Ceresco's size do. Spearman responded with creating the Street Improvement Districts. Ruble noted concerns of material costs.

The Board agreed to move forward with the Street Improvement Districts.

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Ogden reviewed the bridge agreement, which includes 1) M0470C5405 (Elm Street over Hobsons Branch): a) concrete bridge deck repairs, b) Concrete repair/crack injection, c) Channel Debris Removal, d) No guardrail/approach roadway work. 2) M047005425 (Main Street over Hobsons Branch): a) East Approach Slab Removal, Backfill, and Replacement, b) No repair work on bridge, c) No guardrail work.

Ogden reviewed the contract is hourly not to exceed. The total project fees are \$32,450.00.

Ruble questioned why the bridge approaches weren't included. Discussion held. Ogden will have measurements taken.

There were no further comments from the public.

Rupe moved to close the Public Hearing for the One and Six Year Street Plan at 6:38 PM. Ruble seconded. Voting Yeas: Rupe, Ruble, Custer and Ubben. Nays: none. Motion carried.

Ruble moved to approve the One and Six Year Street Plan as presented, with the addition of the Main Street Bridge approach to project # 69. Rupe seconded. Voting Yeas: Ruble, Rupe, Ubben and Custer. Nays: none. Motion carried.

The Board directed Jay Spearman to proceed with creating the Street Improvement Districts.

WHEREUPON, the Chair announced that the introduction of Resolution 2021-10 was now in order and is set forth in full as follows, to wit: WHEREAS, The Village of Ceresco, Nebraska has conducted a public hearing in accordance with the requirements of the Board of Public Roads Classification and Standards, NOW, THEREFORE, be it resolved by the Chairperson and Village Board that the One and Six Year Plan for streets as presented at said public hearing has been accepted and approved.

WHEREUPON, Chairperson Rupe moved to approve Resolution No. 2021-10, a Resolution to approve the One and Six Year Street Plan. Board Member Ruble seconded this motion.

The Chairman instructed the Clerk to call the roll and the following was the vote on this motion. Yeas: Rupe, Ruble, Custer and Ubben. Nays: none. Motion carried.

WHEREUPON, the Chairman declared that the Motion having been approved by a majority of the votes cast, said Resolution 2021-10 is approved and adopted.

Rupe moved to approve the Bridge Agreement with JEO Consulting Group. Ruble seconded. Voting Yeas: Rupe, Ruble, Custer and Ubben. Nays: none. Motion carried.

Ogden reviewed she has talked to NDEE about the Hunter Subdivision. She noted the storm sewer pipe has been damaged and the developer will need to repair it.

Rupe moved to the Regular meeting.

Rupe moved to approve the August 17, 2021 minutes as presented. Custer seconded. Voting Yeas: Rupe, Custer, Ruble and Ubben. Voting Nays: none. Motion carried.

Custer moved to approve the August 23, 2021 minutes. Ruble seconded. Voting Yeas: Custer, Ruble, Ubben and Rupe. Voting Nays: none. Motion carried.

Ruble moved to approve the September 15, 2021 minutes. Ruble seconded. Voting Yeas: Ruble, Rupe, Custer and Ubben. Voting Nays: none. Motion carried.

The Frontier Coop bid to update the propane tank regulators was reviewed.

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Ubben moved to approve the \$640.81 bid to work on the gas regulators. Ruble seconded. Voting Yeas: Ubben, Ruble, Custer and Rupe. Nays: none. Motion carried.

Roland reviewed: 1) Backhoe issues and repair bid. 2) The water tower is down for cleaning, and Brian borrowed blow offs from Nebraska Rural Water. Roland requested a donation be made to Nebraska Rural Water for the assistance they provide. Discussion held.

Ruble moved to donate \$500.00 to the Rural Water Association. Ubben seconded. Voting Yeas: Ruble, Ubben, Custer and Rupe. Nays: none. Motion carried.

Roland continued his review: 3) The tower will be cleaned Thursday and he hopes to have the water tower tested and back by Saturday. 4) Algae issue has been resolved at the wwtp and the valve has been changed. Will need to UV lights next year. 5) Dean Swanson asking about repairing the bridges. 6) Inviting Gushard to report at Board meetings. The Board agreed. Rupe will contact Gushard. 7) Bad tire on the trailer. New dump trailer will be available in November. The Board agreed to sell the trailer and other items. Auction sites will be considered. 8) Assistant water/sewer operator.

Ruble moved to accept the bid from NMC in the amount of \$1,878.09 to fix the backhoe. Rupe seconded. Voting Yeas: Ruble, Rupe, Ubben and Custer. Nays: none. Motion carried.

Roland finished his review with: 9) Mosquito issues. 10) Upcoming inspection on the clarifier and wwtp. 11) Waters of the United States.

Rupe reviewed the ballfield improvements. No bids have been received for the women's restroom.

Anderson reviewed the Police Report: 1) Oil pan on the police car rusted through. 2) Noncompliant ordinance list. 3) Wages. 4) Radio upgrade. Ruble reviewed further. Discussion held. 5) UTV/ATV/Golf Cart Violations. Discussion held.

Two sealed bids for the sale of the 2006 Ford Crown Victoria Police Interceptor - VIN #2FAHP71W56X154701 to be sold "as is" were received and given to Rupe to open. Bids received were: 1) Kenneth Kasten for \$1,017.00, and 2) Shawn Ruble for \$600.00. Ubben reviewed the Board has the option to accept the bid or not, and he feels the car is worth far more than \$1,000. He feels it is worth \$2,000, based on what is on eBay.

Eggleston entered the meeting at 7:57 PM.

Ubben moved to not accept the current sealed bids on the 2006 Ford Crown Victoria Police Interceptor - VIN #2FAHP71W56X154701 to be sold "as is" cruiser, but to consider and evaluate other options for selling the vehicle. Ruble seconded. Voting Yeas: Ubben, Ruble, Custer and Rupe. Nays: none. Abstain: Eggleston. Motion carried.

The Administrative Subdivision process from other towns was reviewed. Discussion held. A list of current houses that sit across at least two or more lots, and was built in 1990 or later, will be researched for the October meeting.

Rupe moved to approve the Treasurer's Report as presented. Custer seconded. Discussion held. Ubben requested the maintenance costs be broken out. Ruble recommended a maintenance log be kept for equipment. Voting Yeas: Rupe, Custer, Ruble, Eggleston and Ubben. Nays: none. Motion carried.

Custer moved to approve the claim to JEO for \$1,177.50. Ruble seconded. Voting Yeas: Custer, Ruble, Eggleston and Ubben. Nays: none. Abstain: Rupe. Motion carried.

Claims were reviewed. Rupe moved to approve the claims as presented. Eggleston seconded. Voting Yeas: Rupe, Eggleston, Ruble, Ubben and Custer. Nays: none. Motion carried. The approved claims are

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as follows: AFLAC \$268.92/ins; Ameritas Life \$24.35/ins; Aqua-Chem \$110.47/wat; Bromm, Lindahl ET AL \$139.50/gen; Bryan Rock Products \$18,589.57/prk; Card Services \$442.65/gen, lib, st; Cash \$62.84/sew, st, gen, comp, pol, wat; Ceresco 60+ \$138.00/gen; International Code Council \$145.00/gen; American Fence \$3,909.00/prk; Baker & Taylor \$16.55/lib; Bomgaars \$11.43/st; Delta Dental \$136.50/ins; Derrick Joel \$60.19/wat; FES \$500.00/gen; First Bankcard \$161.41/lib, prk; Frontier Coop \$1,839.62/fuel; Helena \$1,509.49/prk; HiCaliber Landscapes \$2,200.00/prk; Hydro Optimization & Automation \$450.00/wat; Jackson Services \$211.80/uniforms & mats; Johnson Hardware \$3,962.14; Kiner Supply \$327.18/prk; Lou's Sporting Goods \$34.75/prk; Menards \$180.63/st, wat, sew; Midwest Laboratories \$200.83/sew; Municipal Supply of Omaha \$8.97/wat; Nebraska Department of Agriculture \$175.00/gen; Nebraska Department of Revenue \$1,851.37/wat; Nebraska Public Health Environmental Lab \$756.00/wat; Nebraska Safety Council \$462.50/st, wat, sew, prk, pol, gen; Novotny Repair & Sales \$239.68/prk; O'Reilly \$107.86/pol; Office Depot Business Credit \$576.96/gen; OPPD \$4,730.56/electric; Orkin \$80.00/prk; Pest Solutions 365 \$60.00/gen; Progressive Electric \$130.00/sew; Robert Malina \$180.00/prk; Sam's Club \$609.82/lib, gen, pol, wat, sew, st, prk; Sandy Tvrdy \$315.00/gen, prk; Sara Hass \$75.00/gen; Sargent Drilling \$820.68/wat; Saunders County Mutual Aid \$20.00/fire; Schumacher Irrigation \$297.44/fire; Shaffer Communications \$2,697.40/fire; Simons Home Store \$43.77/lib, sew; Small Engine Specialists \$31.42/prk; Staples \$179.99/gen; Sweet Pea Market \$55.67/sew, st; Taylor's Drain & Sewer Service \$625.00/sew; Tvrdy Services \$3,139.81/pol; Ty's Outdoor Power & Service \$126.30/prk; U.S. Post Office \$199.00/postage; Verizon \$173.22/phones; Verne Simmonds \$109.13/wat; Wahoo/Waverly Advertising \$226.48/gen; Wahoo Auto Parts \$52.29/prk; Waste Connections of NE \$5,378.10/trash; Windstream \$407.18/phones; Nebraska Department of Revenue \$1,856.50/sales tax; Payroll Liabilities: American Funds \$2,747.26; Nebraska Department of Revenue \$1,332.47; United States Treasury \$6,638.66; Payroll \$23,665.11.

Rupe moved to approve the Library Report as presented. Ruble seconded. Voting Yeas: Rupe, Ruble, Eggleston, Custer and Ubben. Nays: none. Motion carried.

Ruble reviewed the Fire Department has received the 4 new radios, and are in service.

Ubben moved to accept the Fire Department minutes. Custer seconded. Voting Yeas: Ubben, Custer, Ruble, Eggleston and Rupe. Nays: none. Motion carried.

Ubben reviewed the automatic gate system for the compost site has been ordered, and he is looking into a solar powered wifi security camera for the compost site.

Rupe proposed the Maintenance Subcommittee give the employee reviews. Discussion held. The Board agreed for the Maintenance Subcommittee to give the employee reviews. Plans are to complete reviews by the end of October.

Rupe reviewed a request from Roland to donate his vacation hours to the staff. Discussion held. The Personnel Policy Subcommittee of Eggleston and Custer will prepare a policy, and Lindgren will contact towns for this type of policy.

Eggleston reviewed the Village has received notice from the Corp of Engineers that "no" permit is required for the stream stabilization project.

Lindgren reviewed an email was received regarding Verizon taking care of the tower issue, and that she and Rupe will be attending a conference.

WHEREUPON, the Chair announced that the introduction of ordinances was now in order.

Ordinance 2021-3 now comes on for third reading. AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO ESTABLISH, PURSUANT TO SECTION 7-105 OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, ENACTED PURSUANT TO THE GENERAL RECODIFICATION ORDINANCE

NO. 2016-2 OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA A TABLE OF RATES – WATER, PER MONTH, AND A TABLE OF RATES – SEWER, PER MONTH FOR ALL WATER AND SEWER UTILITY CONSUMERS OF THE VILLAGE OF CERESCO, NEBRASKA.

WHEREUPON, Chairperson Rupe moved that said Ordinance 2021-3 be approved by its third reading and its title agreed to. Board Member Ubben seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Rupe, Ubben, Ruble, Custer and Eggleston. Nays: none.

WHEREUPON, the Chair declared that a majority of the members of the Board having voted in the affirmative for the passage and approval of said Ordinance No. 2021-3, the Chair declared Ordinance No. 2021-3 to have been duly passed and adopted as an Ordinance of the Village of Ceresco, Saunders County, Nebraska, and the Chair subscribed her name thereto, and the Clerk attested said signature of the Chair by subscribing her name thereto and affixing thereon the seal of the Village of Ceresco, Nebraska. The Chair then instructed the Clerk to publish Ordinance No. 2021-3 in the manner required by law, within fifteen (15) days after passage.

Ordinance 2021-5 was introduced by Chairperson Rupe and is set forth in full as follows, to wit:

AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AMEND CHAPTER 6, PUBLIC WAYS AND PROPERTY, ARTICLE 1, MUNICIPAL PROPERTY, AND IN PARTICULAR, SECTION 6-109: CUTTING CURB; PERMIT, DEPOSIT AND BOND REQUIRED OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA, TO PROVIDE THAT THE BUILDING INSPECTOR, NOT THE VILLAGE BOARD, SHALL BE AUTHORIZED TO ISSUE THE WRITTEN CURB CUT PERMIT; TO PROVIDE THAT THE CHAIR OF THE BOARD OF TRUSTEES AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF CERESCO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA.

WHEREAS, Chapter 6, Article 1, section 6-109 of the Municipal Code of the Village of Ceresco, Nebraska, provides that the Village Board shall issue the written permit for any cutting into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purposes, and,

WHEREAS, it is the desire of the Board of Trustees of the Village of Ceresco, Nebraska, that the Building Inspector of the Village of Ceresco, Nebraska, be authorized to issue the written permit for said cutting into any paving, curb, or sidewalk, and,

WHEREAS, the Board of Trustees of the Village of Ceresco, Nebraska, deems this amendment to be in the best interest of the citizens of the Village of Ceresco, Nebraska,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein and above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That Section 6-109 of Article 1 Chapter 6, of the Municipal Code of the Village of Ceresco, Nebraska, shall be amended to read as follows:

SECTION 6-109: CUTTING CURB; PERMIT, DEPOSIT AND BOND REQUIRED

A. It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the ~~Village Board~~ Building Inspector therefore. It shall also be unlawful for any person to construct a driveway where no curb cutting is required without having first obtained a permit following the procedures set out herein.

B. All driveway applications shall contain the following information:

1. The addition, block and lot which the driveway is to serve;
2. The location of the proposed driveway with reference to adjacent lot lines;
3. The width of the driveway and type of street surface to which the driveway will connect.

C. Before any permit is issued by the ~~Village Board~~ Building Inspector ~~at a regular or special meeting~~, the applicant for such permit shall deposit with the village treasurer a sum set by resolution of the board for all paving, curb or sidewalk to be cut. Such sum shall be set on a per-square-foot cost of construction basis. The deposit shall be retained by the village for the purpose of replacing the paving, curb, or sidewalk in the event the work is done by the village. In the event the ~~village~~ Building Inspector elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the village until the work is completed to the satisfaction of the Building Inspector and street commissioner or of the committee of the Village Board, on streets and alleys: if there is a discrepancy between the decision of the Building Inspector and the street commissioner.

D. Upon approval by the ~~Village Board~~ Building Inspector, the applicant shall be required to build said driveway and complete said curb cut to the village's specifications, including size and type of materials. When the applicant is ready to close the opening made, he or she shall inform the ~~street department~~ Building Inspector, ~~which who~~ shall supervise and inspect the materials used and work done in closing the opening. (Neb. Rev. Stat. §17-567) (Ord. No. 82-13, 10/18/82)

Section 3. That the Chair of the Board of Trustees and the appropriate Department, whether one or more, of the Village of Ceresco, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 4. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 5. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Board of Trustees of the Village of Ceresco, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 6. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval either in pamphlet form or by posting in three (3) public places in the Village of Ceresco, Nebraska, and shall be in full force and take effect on the fifteenth (15th) day from and after its passage, approval, and publication, as provided herein.

Section 7. That it is the intention of the Board of Trustees of the Village of Ceresco, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code of the Village of Ceresco, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

WHEREUPON, Board Member Ruble moved that said Ordinance 2021-5 be approved on its first reading and its title agreed to. Board Member Eggleston seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Ruble, Eggleston, Custer, Ubben and Rupe. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2021-5 be approved on its first reading and its title agreed to and that the second reading of Ordinance 2021-5 be on the next Agenda of a meeting of the Board of Trustees.

Ordinance 2021-6 was introduced by Chairperson Rupe and is set forth in full as follows, to wit:

AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO REPEAL CHAPTER 3 ARTICLE 2 SECTION 3-223 DANGEROUS DOG; CERTAIN BREEDS DECLARED NUISANCE, TO REPEAL CHAPTER 3 ARTICLE 5 SECTION 3-529 DANGEROUS DOG; CERTAIN BREEDS DECLARED NUISANCE, TO REPEAL CHAPTER 3 ARTICLE 5 SECTION 3-530 NUISANCE ANIMAL DOG BREEDS; OFFSPRING, AND TO AMEND CHAPTER 3 ARTICLE 5 SECTIONS 3-526, 3-527, 3-528, 3-531 AND 3-532 FROM NUISANCE DOG TO NUISANCE ANIMAL OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA, THEREOF; TO PROVIDE THAT THE CHAIR OF THE BOARD OF TRUSTEES AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF CERESCO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA.

WHEREAS, the Board of Trustees of the Village of Ceresco, Nebraska, desire to repeal Chapter 3, Article 2, Section 3-223, Chapter 3 Article 5 Sections 3-529 and 3-530 of the Municipal Code of the Village of Ceresco, Nebraska, in their entirety, and,

WHEREAS, the Board of Trustees of the Village of Ceresco, Nebraska, desire to amend Chapter 3, Article 5, Sections 3-526, 3-527, 3-528, 3-531 and 3-532 of the Municipal Code of the Village of Ceresco, Nebraska, from nuisance dog breeds to nuisance animals, and,

WHEREAS, the Board of Trustees of the Village of Ceresco, Nebraska, deems these amendments to the Municipal Code of the Village of Ceresco, Nebraska, to be in the best interest of the citizens of the Village of Ceresco, Nebraska,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein and above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That Chapter 3, Article 2, Section 3-223, and Chapter 3, Article 5, Sections 3-529 and 3-530 of the Municipal Code of the Village of Ceresco, Nebraska, be repealed in their entirety, and that Chapter 3, Article 5, Sections 3-526, 3-527, 3-528, 3-531 and 3-532 of the Municipal Code of the Village of Ceresco, Nebraska, be amended from nuisance dog breeds to nuisance animals, said Sections repealed and amended to read as follows:

~~SECTION 3-223: DANGEROUS DOGS; CERTAIN BREEDS DECLARED~~ — NUISANCES

~~The village has declared by ordinance that certain breeds of dogs are defined as nuisances. Provisions for maintenance of such nuisances shall be as stated in Sections 3-526 through 3-532 herein.~~

SECTION 3-526: NUISANCE ANIMAL ~~DOG BREEDS~~; DEFINED

The maintaining, using, placing, depositing, leaving, or permitting, by the owner of any animal located within the corporate limits of the village, of any of the following ~~specific~~ general acts, omissions, places, conditions, and things ~~which: are hereby declared to be nuisances:~~

~~A. The following breeds of dogs, or any mix of the following breeds of dogs, or any dog displaying the majority of the physical traits of any one or more of the following breeds of dogs, more so than any other breed of dogs, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the following breeds, to wit:~~

- ~~1. American Pit Bull Terrier;~~
- ~~2. American Staffordshire Terrier;~~
- ~~3. Staffordshire Bull Terrier;~~

~~are hereby declared to be nuisances by virtue of the fact that said dogs:~~

- ~~1. Tend to injure or endanger the comfort repose, health and safety of children, citizens and other pets;~~
- ~~2. Render other citizens insecure in life and the use of property;~~
- ~~3. Interfere with the comfortable enjoyment of life and property and tend to depreciate the value of the property of others,~~

are hereby declared to be public nuisances, and the following specific acts, omissions, places, conditions and things by the owner of any animal within the corporate limits of the village, are hereby declared to be public nuisances, to wit:

1. Permitting any animal to defecate on any publicly or privately owned or occupied property other than that of the owner of the animal having control of the animal without immediately removing the excrement;
2. Permitting any animal to engage in menacing behavior including but not limited to the chasing of vehicles or frightening passersby or neighbors;
3. Permitting unsanitary conditions to exist on any premise where an animal is kept which would cause foul or obnoxious odors attract vermin or otherwise threaten the public health and safety; or
4. Permitting any animal to repeatedly be at large.

~~(A) An animal is hereby declared a nuisance by:~~

- ~~1. Tend to injure or endanger the comfort repose, health and safety of children, citizens and other pets;~~
- ~~2. Render other citizens insecure in life and the use of property; or~~
- ~~3. Interfere with the comfortable enjoyment of life and property and tend to depreciate the value of the property of others.~~

~~B. The aforementioned standards for the above breeds of dogs as established by the American Kennel Club or United Kennel Club are on file in the office of the village clerk.~~
(ORD. NO. 2006-4, 5/16/06)

~~SECTION 3-529: NUISANCE DOG BREEDS; EXCEPTIONS~~

~~The owner of a dog, the breed of which has been determined by the Village Board to be a nuisance, which is currently licensed in the village as of the date of May 16, 2006 shall be permitted to keep said dog in the village, provided the owner of said dog maintains said dog at all times in compliance with the following requirements, to wit:~~

~~A. Said dog shall maintain a current license issued by the village, pursuant to Chapter 3, Article 2;~~

~~B. The owner of said dog shall have and maintain at least \$300,000.00 in liability insurance covering any damage, done by said dog. The policy shall contain a provision requiring the insurance company to provide written notice to the village clerk not less than 15 days prior to any cancellation, termination, or expiration of the policy;~~

~~C. Said dog shall only be walked or exercised, off the property of owner, on a lease adequate to control the dog, by a person 19 years of age or older;~~

~~D. The owner shall, at his or her own expense, have the dog spayed or neutered and shall present to the village clerk written proof from a licensed veterinarian that such sterilization has been performed.~~
(Ord. No. 2006-4, 5/16/06)

~~SECTION 3-530: NUISANCE ANIMAL DOG BREEDS; OFFSPRING~~

~~It shall be unlawful to own, harbor, or license any offspring of any dog which is within the village, pursuant to Section 3-529 (Exceptions) hereof. (Ord. No. 2006-4, 5/16/06)~~

~~SECTION 3-527: NUISANCE ANIMAL DOG BREEDS; OWNER DEFINED~~

~~An "owner" is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports, or sells a an animal dog within the village, the breed of which has been determined by the Village Board to be a nuisance. (Ord. No. 2006-4, 5/16/06)~~

~~SECTION 3-528: NUISANCE ANIMAL DOG BREEDS; UNLAWFUL~~

~~It shall be unlawful for any person, firm, partnership, corporation, or association to own an animal a dog, the breed of which has been determined by the Village Board to be a nuisance, to be within the village except as provided in Section 3-529 (Exceptions) hereof. (Ord. No. 2006-4, 5/16/06)~~

~~SECTION 3-529³¹: NUISANCE ANIMAL DOG BREEDS; IMPOUNDMENT~~

~~Notwithstanding any provisions to the contrary, the village clerk is authorized to immediately impound any animal dog found in the village which has been deemed a nuisance does not fall within the exceptions listed in Section 3-529 (Exceptions) hereof, and the clerk may house or dispose of such dog animal in such~~

manner as he or she may deem appropriate, ~~except as the procedures in Section 3-530 (Offspring) hereof may otherwise require.~~ (Ord. No. 2006-4, 5/16/06)

SECTION 3-5302: NUISANCE ~~DOG BREEDS~~ ANIMAL; HEARING/APPEAL

- A. When the village clerk has impounded any ~~dog~~ animal pursuant to this chapter and article and the owner of such ~~dog~~ animal disputes the classification of such ~~dog~~ animal as a nuisance, the owner of such ~~dog~~ animal may file a written petition with the village clerk for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The village clerk will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than 10 days prior to the date of the hearing. When no written request from the owner for a hearing is received by the clerk within seven days of impoundment, the ~~dog~~ animal shall be humanely destroyed.
- B. The hearing, if any, will be held before the chairman and Board of Trustees. The owner of such ~~dog~~ animal shall bear the burden of proof. Any facts that the petitioner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The board shall make a final determination whether the ~~dog~~ animal is a nuisance as defined in Section 3-526 (Defined) hereof. Such final determination shall be considered a final order of the village.
- C. If the ~~dog~~ is found to be a nuisance, it shall be humanely destroyed, unless the owner produces evidence deemed sufficient by the village clerk that the ~~dog~~ animal is to be permanently taken out of the village and the owner pays the cost of impoundment. If the ~~dog~~ animal is found not to be a nuisance, the ~~dog~~ animal shall be released to the owner.
- D. The procedures in this subsection shall not apply and the owner is not entitled to such a hearing with respect to any ~~dog~~ animal that was impounded as the immediate result of an attack or bite., provided the animal was not be tormented, abused, or assaulted at the time of the attack or bite. In those instances, the ~~dog~~ animal shall be impounded and thereafter shall be humanely destroyed.

(Ord. No. 2006-4, 5/16/06)

Section 3. That the Chair of the Board of Trustees and the appropriate Department, whether one or more, of the Village of Ceresco, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 4. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 5. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Board of Trustees of the Village of Ceresco, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 6. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval either in pamphlet form or by posting in three (3) public places in the Village of Ceresco, Nebraska, and shall be in full force and take effect on the fifteenth (15th) day from and after its passage, approval, and publication, as provided herein.

Section 7. That it is the intention of the Board of Trustees of the Village of Ceresco, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code of the Village of Ceresco, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

WHEREUPON, Board Member Eggleston moved that said Ordinance 2021-6 be approved on its first reading and its title agreed to. Board Member Ruble seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Eggleston, Ruble, Custer, Ubben and Rupe. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2021-6 be approved on its first reading and its title agreed to and that the second reading of Ordinance 2021-6 be on the next Agenda of a meeting of the Board of Trustees.

Ordinance 2021-7 was introduced by Chairperson Rupe and is set forth in full as follows, to wit:

AN ORDINANCE OF THE VILLAGE OF CERESCO, SAUNDERS COUNTY, NEBRASKA, TO AMEND CHAPTER 8, FIRE REGULATIONS, ARTICLE 4, EXPLOSIVES; POISONOUS AND FLAMMABLE GASSES, AND SPECIFICALLY SECTION 8-404: POISONOUS OR FLAMMABLE GASSES, OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA, TO PROVIDE THAT THE BUILDING INSPECTOR, NOT THE VILLAGE BOARD, SHALL BE AUTHORIZED TO ISSUE THE WRITTEN PERMIT FOR THE STORAGE OF POISONOUS OR FLAMMABLE GASES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF CERESCO, NEBRASKA; TO PROVIDE THAT THE CHAIR OF THE BOARD OF TRUSTEES AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF CERESCO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF CERESCO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF CERESCO, NEBRASKA.

WHEREAS, Chapter 8, Article 4, Section 8-404 of the Municipal Code of the Village of Ceresco, Nebraska, provides for the issuance of a permit by the Village Board for any storage of poisonous or flammable gas in excess of 100 gallons in the corporate limits of the Village of Ceresco, Nebraska, and,

WHEREAS, it is the desire of the Board of Trustees of the Village of Ceresco, Nebraska, that the Building Inspector of the Village of Ceresco, Nebraska be authorized to issue a written permit for the storage of poisonous or flammable gases within the corporate limits of the Village of Ceresco, Nebraska, rather than the Village Board, and,

WHEREAS, the Board of Trustees of the Village of Ceresco, Nebraska, deems this amendment to be in the best interest of the citizens of the Village of Ceresco, Nebraska,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CERESCO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein and above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That Chapter 8, Article 4, Section 8-404 of the Municipal Code of the Village of Ceresco, Nebraska, shall be amended to read as follows:

SECTION 8-04: POISONOUS OR FLAMMABLE GAS

Any person, firm or corporation desiring to store or keep in the village any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge or replace any facility used for the storage of such gases must first get a permit from the Village Board Building Inspector, which who shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the board shall prescribe such rules, regulations, and precautionary actions as it may deem necessary. If permission is granted, said permit shall only be granted by the Building Inspector pursuant to such rules, regulations, and precautionary actions as if the Village Board has prior thereto deemed necessary. (Neb. Rev. Stat. §17-549)

Section 3. That the Chair of the Board of Trustees and the appropriate Department, whether one or more, of the Village of Ceresco, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 4. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 5. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Board of Trustees of the Village of Ceresco, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 6. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval either in pamphlet form or by posting in three (3) public places in the Village of Ceresco, Nebraska, and shall be in full force and take effect on the fifteenth (15th) day from and after its passage, approval, and publication, as provided herein.

Section 7. That it is the intention of the Board of Trustees of the Village of Ceresco, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code of the Village of Ceresco, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

WHEREUPON, Board Member Ubben moved that said Ordinance 2021-7 be approved on its first reading and its title agreed to. Board Member Ruble seconded this motion.

The Chair instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion. Yeas: Ubben, Ruble, Custer, Eggleston and Rupe. Nays: none.

WHEREUPON, the Chair declared said Ordinance 2021-7 be approved on its first reading and its title agreed to and that the second reading of Ordinance 2021-7 be on the next Agenda of a meeting of the Board of Trustees.

Lindgren noted that she had Jody Anderson help with preparing the Ordinances, which were then sent to the attorney for approval.

Resolution 2021-11 was tabled.

The electronic device policy was tabled.

Lindgren reviewed she spoke with Tyler Swanson regarding the mattresses being stored in the restaurant building and he said it is temporary for a hotel job. He also said there is someone coming to look at the restaurant.

VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 21, 2021

Discussion held on food trucks.

Ubben reviewed and recommended an Office 365 subscription for the Village office at \$12.50 a month.
Discussion held.

Custer moved to go with the Office 365 subscription for \$12.50 a month. Ruble seconded. Voting Yeas: Custer, Ruble, Eggleston, Ubben and Rupe. Nays: none. Motion carried.

Rupe moved to adjourn the meeting at 8:39 PM. Eggleston seconded. Voting Yeas: Rupe, Eggleston, Custer, Ubben and Ruble. Nays: none. Motion carried.

Antonia Rupe, Chair
Joan Lindgren, Clerk