

**Village of Bennet, Nebraska**  
**Board of Trustees**  
**Minutes January 10, 2022**  
**Regular Meeting**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday January 10, 2022 at 7:00 p.m., at the Bennet Village Hall, 685 Monroe Street in the Village, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska, as amended, and having set forth (a) the time, date and place of the meeting; (b) that the meeting would be open to the attendance of the public; and (c) that the agenda for the meeting, kept continuously current, was available for public inspection at the office of the Village Clerk and posted at the Village Office, Post Office and First Nebraska Bank.

Village Clerk, Michele Lincoln, called the meeting to order at 7:01 p.m. Roll call was conducted, Trustees in attendance were Pete Simmons, Don Murray, Brad Ruzicka, Justin Dorn. Absent: Ryan Cheney. A quorum being present, and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public. In the absence of Chairperson Cheney, Ruzicka moved and Simmons seconded a motion to appoint Justin Dorn Chair-pro tempore. Roll call vote: Murray, Simmons, Ruzicka, Dorn voted Yes. Motion carried. Dorn announced the location of the Open Meetings Act. The Pledge of Allegiance was recited.

Murray moved and Simmons seconded a motion to approve minutes for the December 13, 2021, regular meeting. Roll call vote: Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Murray moved and Simmons seconded a motion to approve the claims for payment. Roll call vote: Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Attorney David Solheim of Solheim Law Firm, LLC took the Oath of Office as Municipal Attorney.

Chair-pro tempore Dorn introduced ORDINANCE 2022-1.1, AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS OF THE VILLAGE OF BENNET BY AMENDING SECTION 151.027 TO PROVIDE THAT FINAL PLATS SHALL BE APPROVED BY ORDINANCE; BY AMENDING SECTION 151.086, 151.087, 151.088 AND 151.092 TO PROVIDE THAT WATER AND SEWER MAINS WILL BE DEEMED REASONABLY ACCESSIBLE IF WITHIN 1320 FEET OR WHEN THE COST OF A COMMUNITY SYSTEM EXCEEDS THE COST OF EXTENDING TO THE PUBLIC MAIN, TO PROVIDE GUIDELINES FOR STREET LAYOUT, AND TO PROVIDE THAT DESIGN AND CONSTRUCTION OF WATER DISTRIBUTION SYSTEMS, SANITARY SEWER SYSTEMS, STORM DRAINAGE SYSTEMS, AND ROADWAYS IN NEW SUBDIVISIONS SHALL BE DESIGNED AND CONSTRUCTED IN CONFORMANCE WITH DESIGN STANDARDS TO BE ADOPTED BY THE VILLAGE BOARD BY RESOLUTION; AMENDING SECTION 151.093 RELATING TO PLANS AND SPECIFICATIONS FOR SUBDIVISION IMPROVEMENTS TO PROVIDE THAT SUCH PLANS AND SPECIFICATIONS SHALL BE REVIEWED FOR CONFORMITY WITH THE DESIGN STANDARDS; AMENDING SECTION 151.094 OF THE CODE OF BENNET REGARDING OTHER REQUIRED IMPROVEMENTS TO PROVIDE FOR ALLOCATION OF COST RESPONSIBILITIES FOR OVERSIZED MAINS AND WIDER PAVEMENT; AND REPEALING SECTIONS 151.027, 151.086, 151.087, 151.088, 151.092, 151.093, AND 151.094 AS HITHERTO EXISTING. Ruzicka moved and Simmons seconded a motion to waive the three-reading rule for Ordinance 2022-1.1. Roll call vote: Ruzicka, Dorn, Murray, Simmons voted Yes. Motion carried. Dorn moved and Ruzicka seconded a motion to approve Ordinance 2022-1.1. Roll call vote: Ruzicka, Dorn, Simmons, Murray voted Yes. Motion carried.

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Dorn moved and Ruzicka seconded a motion to approve Resolution 2022-1.1, a resolution adopting minimum design standards for the installation of water, wastewater, storm sewer and drainage, roadway, and material testing and inspections in new subdivisions. Roll call vote: Simmons, Dorn, Murray, Ruzicka voted Yes. Motion carried.

The Board discussed the Planning Commission's recommendation to explore placing a moratorium on acreage development in the A-1 zoning district until future land use, along with any changes to future land use and Comprehensive Plan are fully settled. The Planning Commission's concern is that the approval of acreages within the one-mile jurisdiction to the north could inhibit Bennet's opportunity for planned future growth. This will be placed on the agenda for the February regular meeting to allow for research into the legal ramifications, seek advisement from the planning consultant that will be updating the Zoning & Subdivision Regulations and to draft the appropriate documentation.

A Request for Proposal (RFP) for Zoning Ordinance & Subdivision Regulation update was received from Marvin Planning Consultants in the amount of \$15,000.00; of which the Planning Commission recommended approval. Dorn moved and Murray seconded motion to approve the contract with Marvin Planning Consultants, INC. for the Zoning Ordinance & Subdivision Regulation update with the amendment to strike out "Lump Sum" in Section 2 – Contract Sum and Payment section. Roll call vote: Murray, Dorn, Ruzicka, Simmons voted Yes. Motion carried. Engineer Brian Schuele mentioned that this would be a good time to update the development fees to help with revenue needed to support the additional infrastructure.

Updating the Bennet Municipal Code Book was discussed. The current code was last updated in 2014. With the transition from the classification of village to city of the second class an update is needed to reflect the appropriate verbiage, to iterate the applicable statutes as related to a city of the second class, and to incorporate the ordinances passed since 2014. Attorney Solheim shared a couple of options. We could purchase a completely new code which would comply with the state statutes as a city of the second class. This could cost around \$20,000.00. We would then have to add back in all the Bennet specific codes. The other option would be to revamp the existing code to reflect the statutes for a city of the second class. This option could be very time consuming. Attorney Solheim offered to get some prices for the purchase of a complete code. He also suggested that we could de-codify some of the ordinances that may be adopted by reference such as the building codes and salaries of municipal officials. He stated that this would be a good time to review and update provisions on sales and use tax, fireworks, animals, and occupation tax. Solheim recommended that we consider contracting with a code service to host our code online. These online services allow for a searchable and always up to date code for public view.

Submitted reports included Treasurer's Report, Sheriff's Report, Maintenance Report and Code Enforcement Report.

Dorn moved and Ruzicka seconded a motion to approve the Treasurer's Report. Roll call vote, Simmons, Ruzicka, Dorn, Murray voted Yes. Motioned carried. The Treasurer also reported that two of the CEDAR Funds have renewed. The \$100,000 water certificate renewed with a maturity date of January of 2023 and the \$50,000 general certificate renewed with a maturity date of January of 2024.

The Clerk reported that the final plat for Cochrane Corner has been filed. It will go before the Planning Commission January 26<sup>th</sup> and before the Village Board February 14<sup>th</sup>.

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Engineer Brian Schuele reported that he had investigated the geotechnical cement base as an alternate paving option for Cottonwood & Tyler Streets. This is a rotary drill mix concrete base estimated at \$10 a square yard compared to concrete being closer to \$80 a square yard and allows for a thinner asphalt layer. He will provide more details on the associated cost.

Larry Kramer reported that it was time to prepare for the upcoming Farmers' Market and that volunteers are needed to help run the market. The appointment of the Farmers' Market Committee will need to be on February's agenda.

Lincoln reported that the Health Board met on December 4<sup>th</sup> and voted to pursue 280 Madison as an unsafe building and public nuisance and to order demolition or repair.

Under Communications, a Christmas Card was received from Marilyn Manney addressed to the Board and staff thanking them for all they do for the citizens of Bennet.

Dorn moved and Murray seconded motion to adjourn at 7:49 p.m. Roll call vote: Murray, Simmons, Ruzicka, Dorn voted Yes. Motion carried.

Michele Lincoln, CMC  
Village Clerk