

Village of Bennet, Nebraska
Board of Trustees amended Minutes; January 14, 2019

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular meeting and public hearing on Monday, January 14, 2019 at 7:00 p.m., at the regular meeting place of the Board, the 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 to public inspection at the office of the Village Clerk.

Chairman Justin Dorn called the session to order at 7:00 p.m. and announced the location of the Open Meetings Act posted near the entrance of the room for access by the public. Village Clerk Patricia Rule conducted roll call and recorded the minutes. Trustees in attendance were Don Murray, Jerris Nider, Brad Ruzicka, Ryan Cheney and Justin Dorn. A quorum being present and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Motion by Cheney, second by Murray to approve minutes for December 2018. Roll call vote; Murray, Nider, Cheney, Dorn, Ruzicka voted YES. Motion carried.

A list of claims for payment was considered. Motion by Murray, second by Nider to approve payment of claims for January. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

Rule provided a report of fund balances for the month, and a quarterly comparison of treasury balances. A CDAR maturity, and upcoming bond transfers and payments were noted. Trustees agreed with the CDAR reinvestment recommended by Dorn and Cheney. Motion by Cheney, second by Murray to accept the January 2019 Treasury report. Roll call vote; Cheney, Nider, Murray, Dorn, Ruzicka voted YES. Motion carried.

Village Engineer Ryan Brandt reported completion of road financial reports, and their submittal to the State.

Written reports were received from the Lancaster County Sheriff's office, Village Utility Superintendent and the Village Planning Commission.

Resolution 2019-1.1 was introduced; A RESOLUTION APPROVING THE APPOINTMENT OF ONE PLANNING COMMISSION MEMBER TO FILL A VACANCY IN ACCORDANCE WITH SECTION 32.01 OF THE CODE OF BENNET.

Motion by Dorn, second by Ruzicka approving Resolution 2019-1.1. Roll call vote; Dorn, Ruzicka, Nider, Cheney, Murray voted YES. Motion carried.

Chairman Dorn called a public hearing to session at 7:07pm to receive comment on an application by Midwest Farmers Cooperative for a Special Use Permit for the storage of portable anhydrous ammonia tanks year-round on all or part of various properties generally located on or adjacent to the OPPD Railroad Right of Way from Jackson Street to Madison Street., and for existing permanent propane storage tanks and permanent anhydrous storage tanks on Lots 60 and 71. Representing MFC were Craig Schultz, Jeremy Wilhelm and Wayne Heyen. Brad Marshall of Olsson provided maps indicating areas involved and noted the request would not include areas in the floodway. Doug Fletcher, safety consultant for MFC explained employee training and annual inspections to evaluate work environment.

Trustees noted concerns for the proximity to the Bennet South Ballfield, and questioned an anhydrous leak in 2018 that caused the closure of Highway #43 in Bennet. Trustee Nider referenced a ~~2016~~ 2014 incident near Tecumseh, Nebraska involving MFC anhydrous operations, resulting in a fatality. Trustee Cheney noted the anhydrous operations existed since 1969 with new homes continuing to locate nearby. Murray questioned long term plans, if the special use permit was not approved. Wilhelm responded that no change would occur.

Murray commented on the Boards first responsibility to protect community health and safety, and expressed concerns for the anhydrous operations.

Attorney William Austin responded to questions regarding continuation of a non-conforming use (Bennet Code §152.1009).

Dorn asked for additional comments. None received. The Hearing closed at 7:46 pm.

Resolution 2019-1.2 was introduced by title: A RESOLUTION APPROVING AN APPLICATION BY MIDWEST FARMERS COOPERATIVE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE RETAIL BULK STORAGE OF GAS AND PROPANE ON PROPERTY GENERALLY LOCATED ON OR ADJACENT TO THE OPPD RAILROAD RIGHT-OF-WAY FROM JACKSON STREET TO MADISON STREET.

Motion by Dorn, second by Cheney to Approve Resolution 2019-1.2. Roll call vote; Murray, Dorn, Nider voted NO. Cheney, Ruzicka voted YES. Motion failed.

In continued business, renewal of Village insurance was discussed. Property valuations for replacement coverage was considered. Trustees agreed to remove the 'old' park bathroom building, now storage use, from property replacement coverage. A building quote would be acquired for the current street shop on Juniper Street. Trustees understood additional coverage for law enforcement was recommended, and approved by the review committee, and coverage would be considered for a community fireworks display.

Motion by Dorn, second by Ruzicka to approve a minimum installment payment for Village insurance, based on removal of the park storage shed, reduction of valuation on the street shop, and addition of law enforcement coverage. Roll call vote; Cheney, Nider, Murray, Dorn, Ruzicka voted YES. Motion carried.

Resolution 2019-1.3 was introduced; A RESOLUTION APPROVING THE RELEASE OR REDUCTION OF CERTAIN ESCROW FUNDS DEPOSITED TO ENSURE THE CONSTRUCTION OF CERTAIN IMPROVEMENTS IN BENNET RIDGE. Motion by Dorn, second by Murray approving Resolution 2019-1.3. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

Resolution 2019-1.4 was introduced; A RESOLUTION REVISING THE MONTHLY PAYMENTS FROM THE VILLAGE TO PERMANENT, FULL-TIME EMPLOYEES TO DEFRAY THE COST OF HEALTH INSURANCE. Motion by Dorn, second by Cheney to approve Resolution 2019-1.4. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

The *Miscellaneous Expenditure Act*, and establishing a procedure for special recognition of outstanding community service were discussed. The Village Attorney noted that a public hearing was needed, and a resolution establishing an amount for the expense.

A proposed street/workshop, in conjunction with a dewatering building, at Waste Water Treatment Plant area was discussed. Village Engineer Ryan Brandt provided a draft sketch of a potential structure. Questions concerned if concrete floors and office space were needed. The current fiscal year budget includes funding for project design.

An audit of the 2017/2018 keno funds was accepted and placed on file.

The Village Attorney reported providing a draft lease agreement to SpectrAir LLC for wireless internet services to Bennet. Company officials agreed to review the proposal and respond, however to date no contact was received. Austin would contact them again.

Resolution 2019-1.5 was introduced; A RESOLUTION APPROVING APPOINTMENT OF A STREET SUPERINTENDENT FOR THE VILLAGE OF BENNET. Motion by Dorn, second by Nider to approve Resolution 2019-1.5 Roll call vote; Ruzicka, Nider, Murray, Cheney, Dorn voted YES. Motion carried.

Potential projects to include on the One and Six Year Street Plan were discussed. Trustees agreed that improvements for Tyler Street from the Cottonwood Street Intersection north to the end of the corporate limits should be included on the one year plan, and improvements to Cottonwood Street from

the Tyler Street intersection eastward to the corporate limits should be on the six year plan. A public hearing on the updates would be held in February.

Use of the Bennet ballfields was discussed. Exclusivity for local clubs, practice schedules, key distribution and lease terms were discussed. Dave Pool reported for the newly formed Panther Ball Club. Pool noted the Homestead League dissolved, leaving out a lot of area town teams and clubs. The Panthers Ball Club joined the Southeast League for softball, but were looking for a permanent solution for all levels and teams. Approximately 200 kids from the Bennet area were expected to participate in the 2019 baseball, t-ball, and softball program. They would expect to hear from the Blue River League soon and plan a full report to the Board at the February meeting. Trustee Nider questioned use of the fields for practice by Lincoln teams with Bennet kids. A field lease or license would be considered at the February meeting.

Motion by Murray, second by Cheney to enter a closed session at 9:07 pm to discuss strategy for land acquisition. Roll call vote; Ruzicka, Nider, Cheney, Murray, Dorn voted YES. Motion carried. Chairman Dorn restated the reason for the closed session was to discuss strategy for land acquisition.

Motion by Dorn, second by Ruzicka to return to open session at 9:37 pm. Roll call vote; Cheney, Ruzicka, Nider, Murray, Dorn voted YES. Motion carried.

Attendance at an upcoming planning workshop was discussed.

Motion by Cheney, second by Murray to adjourn at 9:40 p.m. Roll call vote; Nider, Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Recorded by: Patricia Rule, Village Clerk