

**Village of Bennet, Nebraska**  
**Board of Trustees Minutes; November 11, 2019**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting and public hearings on Monday, November 11, 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 meeting 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 Ryan Cheney, Brad Ruzicka, Jerris Nider, Justin Dorn and Don Murray. 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 the October 14, 2019 regular business meeting. Roll call vote; Cheney, Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

A list of claims was considered. A correction to the amount paid to Dales Consulting was noted. Motion by Cheney, second by Murray to approve the claims for payment. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

Ordinance 2019-9.1 was introduced by title on third reading; AN ORDINANCE ACCEPTING AND APPROVING THE PLAT DESIGNATED AS EVERGREEN PLACE 1ST ADDITION, FILED IN THE OFFICE OF THE VILLAGE CLERK OF THE VILLAGE OF BENNET, NEBRASKA, UPON CERTAIN CONDITIONS HEREIN SPECIFIED AND PROVIDING FOR SURETIES CONDITIONED UPON THE STRICT COMPLIANCE WITH SUCH CONDITIONS. Discussion concerned culvert improvements on Cottonwood Street. Motion by Dorn, second by Ruzicka to amend Ordinance No. 2019 9-1 by: a) deleting the period on Line 25 of Page 2 and inserting the following: "provided, however, the Village shall contribute \$15,000.00 of the cost of the installation of the culverts under Hackberry and Cottonwood Streets, which contribution shall be made within thirty (30) days after installation and acceptance;" and b) by deleting in Line 64 of Page 3 the sum of \$22,100 and inserting in lieu thereof the sum of \$27,000.00. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

Motion by Dorn, second by Ruzicka to approve Ordinance 2019-9.1, as amended, on third and final reading. Roll call vote; Cheney, Dorn, Nider, Murray, Ruzicka voted YES. Motion carried.

An application for a second culvert access at 100 Adams Street was considered. The Village Engineer did not foresee the culvert placement creating a drainage problem. Motion by Ruzicka, second by Cheney approving the application for an additional culvert at 100 Adams Street. Roll call vote; Ruzicka, Nider, Cheney, Murray, Dorn voted YES. Motion carried.

Motion by Nider, second by Ruzicka approving the refund of a \$100.00 key deposit to the Lincoln Soccer Association. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

The Clerk provided a brief review of a proposed Request for Proposal (RFP) for services to develop a street improvement plan for the Village. Motion by Dorn, second by Ruzicka to approve the Request for Proposals. Roll call vote; Dorn, Ruzicka, Nider, Cheney, Murray voted YES. Motion carried.

Village Engineer Ryan Brandt addressed the Board regarding possible options for financing the Waste Water Treatment Plant sludge disposal project. State Revolving Funds should be repaid from user fees, requiring the fund to operate at a profit. Discussion concerned balance of water and sewer fees. The Clerk would talk with the Village accountant to discuss restructuring fees.

Ryan Brant provided a bid tabulation for surfacing the Hackberry Harrison Street intersection and various patching on Garden Street. Discussion concerned the low bid price in comparison to the estimate and the amount allowed in the budget. Trustees suggested the project be included with larger

upcoming projects. Motion by Murray, second by Dorn to reject all bids for the Hackberry Street Improvement project. Roll call vote; Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

Resolution 2019-11.1 was introduced: A RESOLUTION RESTRICTING THE USE OF A PORTION OF JUNIPER STREET IN THE VICINITY OF THE BENNET BALLFIELD TO MOTOR VEHICLES ENTERING FROM THE NEW PARK DRIVE. Discussion concerned the use of bollards and signs to execute the closure. Motion by Cheney, second by Dorn approving Resolution 2019-11.1. Roll call vote; Murray, Cheney, Dorn, Ruzicka, Nider voted YES. Motion carried.

A public hearing was called to order at 7:49pm to receive public comment on amendments to the Code of Bennet defining child care facilities and allowable locations. The hearing closed at 8:03pm. Ordinance 2019-11.1 was introduced by reading the title: AN ORDINANCE AMENDING CHAPTER 152 OF THE CODE OF BENNET (ZONING CODE) BY ADOPTING A NEW SECTION NUMBERED § 152.026-17A DEFINING CHILD CARE; BY ADOPTING A NEW SECTION NUMBERED § 152.026-17B DEFINING CHILD CARE CENTER; BY ADOPTING A NEW SECTION NUMBERED § 152.026-25A DEFINING FAMILY CHILD CARE HOME I; BY ADOPTING A NEW SECTION NUMBERED § 152.026-25B DEFINING FAMILY CHILD CARE HOME II; BY AMENDING § 152-043 OF THE CODE OF BENNET (ZONING USE CHART) TO INCLUDE FAMILY CHILD CARE HOMES II AS PERMITTED USES IN THE A-1 AND A-2 DISTRICTS AND AS SPECIALLY PERMITTED USES IN THE R-1, R-2, AND R-3 DISTRICTS AND CHILD CARE CENTERS AS PERMITTED USES IN THE B-1 AND B-2 DISTRICTS; BY AMENDING § 152-044 TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE AGRICULTURAL DISTRICT (A-1); BY AMENDING § 152.44.5 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE RURAL RESIDENTIAL DISTRICT (A-2); BY AMENDING § 152.045 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE SINGLE FAMILY RESIDENTIAL DISTRICT (R-1); BY AMENDING § 152.046 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2); BY AMENDING § 152.047 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE MAXIMUM DENSITY RESIDENTIAL DISTRICT (R-3); AND REPEALING §§ 152.043, 1152.044, 152.044.5, 152.045, 152.046 AND 152.047 AS HITHERTO EXISTING.

Discussion concerned current definitions and allowable zoning districts. Motion by Dorn, second by Murray to advance Ordinance 2019-11.1 on first reading. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

A second hearing was called to order at 8:08pm to receive comment on the adoption of an updated *Bennet, Nebraska, Comprehensive Plan 2019-2029*. Planner, Jake Palm of Hanna|Keelan was present to answer questions regarding the plan and the yearlong process of updating the plan. The Clerk noted 29% of the cost was paid by NIFA grant funds. Ordinance 2019-11.2 was introduced by title: AN ORDINANCE AMENDING SECTION 153.01 OF THE CODE OF BENNET REGARDING ADOPTION OF THE COMPREHENSIVE PLAN TO ADOPT THE UPDATED "BENNET, NEBRASKA, COMPREHENSIVE PLAN 2019-2029" AND REPEALING SECTION 153.01 OF THE CODE OF BENNET AS HITHERTO EXISTING.

Motion by Dorn, second by Murray to suspend three readings of Ordinance 2019-11.2. Roll call vote; Cheney, Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

Motion by Dorn, second by Murray to approve Ordinance 2019-11.2 on first and final reading. Roll call vote; Murray, Dorn, Nider, Ruzicka, Cheney voted YES. Motion carried.

In continued business, Resolution 2019-11.2 was introduced; A RESOLUTION APPROVING THE REAPPOINTMENT OF TWO PLANNING COMMISSION MEMBERS IN ACCORDANCE WITH SECTION 32.01 OF THE CODE OF BENNET. Noted reappointments were Audrey Roesler and Marilyn Maney.

Motion by Cheney, second by Ruzicka approving Resolution 2019-11.2. Roll call vote; Ruzicka, Nider, Cheney, Murray, Dorn voted YES. Motion carried.

A request for snow fencing along the north side of Sweetgrass Prairie was received from resident Wendell Stone of 25 Switchgrass Lane. Discussion concerned what property owners would be affected, how private property could be accessed for installation and what, if any, benefits would be achieved. No action was taken.

Resolution 2019-11.3 was introduced; A RESOLUTION APPROVING SPECIAL DESIGNATED LICENSES AS REQUESTED BY THE SONS OF AMERICAN LEGION SQUADRON NO. 280 FOR 970 MONROE STREET.

Motion by Ruzicka, second by Dorn approving Resolution 2019-11.3. Roll call vote; Cheney, Dorn, Nider, Ruzicka voted YES. Murray ABSTAINED. Motion carried.

A request by Unite Private Networks, INC, to amend a previous agreement allowing use of right-of-way was considered. The amendment would allow use of right away along the east side of Jefferson Street, from south of Birch Street to north of Apple Street.

Resolution 2019-11.4 was introduced; A RESOLUTION APPROVING A SECOND ADDENDUM TO THE LICENSE FOR USE OF PUBLIC RIGHT-OF-WAY ISSUED TO UNITE PRIVATE NETWORKS, LLC TO AUTHORIZE MODIFICATION/EXTENSION OF ITS UTILITY SYSTEM. Motion by Cheney, second by Ruzicka approving Resolution 2019-11.4. Roll call vote; Ruzicka, Nider, Cheney, Murray, Dorn voted YES. Motion carried.

Reports received included Treasurer, Maintenance, Sheriff, Engineer and Planning Commission. A final report of Halloween activities at Bennet Park was discussed. Financial contributions toward the hot dog feed would be applied to the 2020 event. Leftover food products were donated to Friendship Home safe shelter.

Motion by Cheney, second by Murray to approve the Treasurer's Report for November 2019. Roll call vote; Ruzicka, Nider, Dorn, Murray, Cheney voted YES. Motion carried.

Communications included a letter from the Clerk regarding her intent to retire in 2020.

Motion by Dorn, second by Murray to adjourn at 8:42 pm. Roll call vote; Dorn, Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

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Patricia Rule, Village Clerk