

**City of Bennet, Nebraska
Board of Trustees
Minutes November 14, 2022
Regular Meeting**

The Bennet Board of Trustees (the "Board") of the City of Bennet, Nebraska (the "City") held a regular business meeting on Monday November 14, 2022 at 7:00 p.m., at the Bennet City Hall, 685 Monroe Street in the City, 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 City Office, Post Office and First Nebraska Bank.

Chairperson Ryan Cheney called the meeting to order at 7:00 p.m. and announced the location of the Open Meetings Act. Village Clerk Michele Lincoln conducted roll call. Trustees in attendance were Ryan Cheney, Pete Simmons, Don Murray, Justin Dorn. Absent Brad Ruzicka. A quorum being present, and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public. The Pledge of Allegiance was recited.

CONSENT AGENDA

- a. MINUTES of October 10, 2022, Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. **RESOLUTION 2022-11.1** authorizing the Chairperson to sign the Year-End Certification of City Street Superintendent appointing Justin R. Stark.
- e. **RESOLUTION 2022-11.2**, approving appointment of alternate Planning Commission member.
- f. **RESOLUTION 2022-11.4**, approval of Special Designated License for Meier's Wine, Inc. dba Meier's Cork 'n Bottle for the sale of alcoholic beverages at Tailored Life, 360 Fir Street, Bennet for a reception.
- g. Approval of contract with Marvin Planning Consultants for a new Comprehensive Plan.

Dorn moved and Simmons seconded a motion that all items, except for item "e", under the consent agenda be approved and accepted as presented. Roll call vote: Simmons, Murray, Cheney, Dorn voted YES. Motion carried.

Murray noted that Boyd Batterman was a candidate to be appointed as an alternate to the Planning Commission with item "e" under the Consent Agenda and he felt that as a developer of an open project within the City this would be a conflict of interest and even if not a constant conflict of interest it could be perceived as a conflict of interest. Discussion followed. Attorney Solheim stated that as part of the Accountability and Disclosure Act it would be Batterman's obligation to disclose and abstain from any matter that he had a direct stake in. Cheney appointed Boyd Batterman to fill the unexpired term as Alternate Planning Commission Member and moved approval of Resolution 2022-11.2, a resolution appointing an alternate member to the Planning Commission, Dorn seconded. Roll call vote: Simmons, Dorn, Cheney voted YES. Murray voted NO. Motion carried.

The 4th of July Committee informed the Board at the September meeting that they were ready to turn the 4th of July festivities over to someone else. The Board agreed they wanted to help ensure that the 4th of July festivities would continue, and they would discuss it further. It had been decided that there needed to be additional public notice emphasizing the imperativeness of finding volunteers for its

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continuation. Lincoln reported that she had spoken with Lillie Chambers who will be sending detailed information on the planning and implementation of the 4th of July Celebration to be included in the public notice sent with the utility bills in December.

Ed Bruening, owner of the building at 625 Madison Street, spoke to the Board to encourage them to conduct a market study to determine if Bennet can support a local grocery store. Bruening had spoken with Pat Raybould, CEO of B&R Stores, Inc. (Super Saver & Russ's Market) and questioned whether there was any consideration to opening a store in Bennet. They were not interested at this time but advised that the first step would be to have a market analysis. AWG (Associated Wholesale Grocers) performs market studies with forecasted sales and demographics for \$3,000 - \$3,500. Bruening pointed out that this was one of the top things wanted by Bennet residents in the last survey. The Board agreed that they didn't feel it was their place to fund the market study, that this would be more of an Economic Development or Chamber of Commerce action, and that funds were not budgeted for such a study.

Brandon Garvin and Zac Caudillo came to the Board to request a speed bump in front of Whispering Pines Park. With the increased traffic generated by disc golf, kids on bikes and playing in this area, and the new Evergreen Development it would be a consideration for safety. City Engineer Brian Schuele stated that there are guidelines for proper speed bump placement and that he would investigate proper placement and prices.

Ryan Zuspan, Brandan Turner, and Gary Maixner came to the Board to discuss the City of Bennet requiring 65 Apple Street to connect to the public sewer system. Ryan Zuspan and Brandan Turner are the current owners of 65 Apple Street and have a pending sale to Gary and Brenda Maixner. While investigating a septic tank Transfer Inspection, Lancaster County Health Department contacted the City Clerk's Office to inquire whether Bennet's regulations would require 65 Apple Street to connect to the public sewer system. That inquiry resulted in the finding that Bennet Municipal Code mandates all homes in Bennet's jurisdiction within 100 feet from a public sewer main hook-up at their expense to the public sewer. As a result, notice was given to the current property owners that connection to the public sewer must be made within 60 days from the closing date. Zuspan, Turner and Maixner were requesting the \$1,000.00 hook-up fee be waived or reduced due to this being a situation they were unaware of, there had been considerable improvement to the property and their belief that this is something that should have been required when the Bennet Ridge Development initially installed the sewer main within 100 feet of the property line of that parcel. There was a debate as to whether the Board could just waive or reduce the fee for this situation, what the process would be and what future repercussions there would be for starting this practice. Murray moved to waive the \$1000 sewer hook-up fee for 65 Apple Street. Motion failed for lack of a second. Attorney Solheim will investigate the legality of waiving such fees and it will be discussed at the December meeting.

Chairperson Cheney informed the Board that Murray and himself met as the Personnel Committee and were recommending approval of Resolution 2022-11.3 establishing the wages for the City employees and calling for an ordinance to amend the pay ranges to allow for sufficient employee compensation and to maintain compliance with the State of Nebraska's minimum wage requirements. Cheney moved and Murray seconded a motion to approve Resolution 2022-11.3, a resolution adjusting the wages of certain officials and employees of the City of Bennet. Roll call vote: Simmons, Dorn, Cheney, Murray voted YES. Motion carried. Chairperson Cheney introduced ORDINANCE 2022-11.1,

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AN ORDINANCE OF BENNET, LANCASTER COUNTY, NEBRASKA, TO REPEAL AND REPLACE SECTION 33.47 TO REMOVE SALARY RANGES FROM THE CODE OF BENNET; TO ESTABLISH SALARY RANGES FOR APPOINTED OFFICIALS, AND TO PROVIDE FOR PUBLICATION AND AN EFFECTIVE DATE. Cheney moved and Murray seconded a motion to waive the three-reading rule for Ordinance 2022-11.1. Roll call vote: Simmons, Dorn, Cheney, Murray voted YES. Motion carried. Cheney moved and Dorn seconded a motion to approve Ordinance 2022-11.1. Roll call vote: Simmons, Dorn, Cheney, Murray voted YES. Motion carried.

Submitted reports included Treasurer's Report, Engineer Report, Sheriff's Report and Utility Superintendent Report.

Engineer Brian Schuele reported that he had received information regarding soybean oil being used as dust control for gravel roads. Based on current soybean prices it would be about \$1.20 per square yard which would be around \$15,000.00 for a treatment on Tyler Street and Cottonwood Street. It is supposed to last approximately a year. Bennington is the only town in Nebraska that has used it. He will reach out to them to get their impression of the product.

Cheney moved and Dorn seconded motion to adjourn at 8:00 p.m. Roll call vote: Simmons, Murray, Cheney, Dorn voted YES. Motion carried.

Michele Lincoln, CMC
Village Clerk