

**Village of Bennet, Nebraska**  
**Board of Trustees**  
**Minutes December 13, 2021**  
**Regular Meeting**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday December 13, 2021 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.

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, Brad Ruzicka, Justin Dorn. Absent: None. 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.

Cheney moved and Murray seconded a motion to approve minutes for the November 8, 2021, regular meeting. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

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

The Board of Trustees discussed a proposed interlocal agreement for GIS addressing with the City of Lincoln. Jeff McReynolds, the GIS Program Manager with the City of Lincoln/Lancaster County was in attendance to help clarify the intent for the interlocal agreement. The purpose of this interlocal is to have all village addresses listed on a database to improve law enforcement and fire protection for the citizens when NextGen911 services become available. NextGen911 is new technology that enhances the capabilities of the 911 call centers. This interlocal would allow the City of Lincoln to create, maintain and remove any addresses within the Village of Bennet. McReynolds explained that the NxGen911 uses geographic data versus the tabular table data that is currently used. Cheney moved and Ruzicka seconded a motion to approve Resolution 2021-12.1, a resolution approving an interlocal agreement between the village of Bennet and the City of Lincoln for including public and private street addresses in Bennet in a GIS database. Roll call vote: Cheney, Simmons, Ruzicka voted YES. Murray, Dorn Voted NO. Motion carried.

Attorney Austin updated the Board of Trustees on the status of the lawsuit filed in District Court for the dangerous building at 610 Cottonwood. The claim was filed in September and the owner's legal counsel filed a motion to dismiss. The hearing was scheduled for January 20, 2022. A report filed by the building inspector Rob Mierau on November 22, 2021, stated the most grievous problems of the structure have been resolved such that it no longer constitutes a truly dangerous building. The remaining deficiencies fall more properly under the International Property Management Code that Bennet recently adopted, which does not allow the Village to declare the property a nuisance and seek authority to demolish or repair. Austin recommended that the claim be dismissed without prejudice. Cheney moved and Dorn seconded a motion to dismiss without prejudice the lawsuit filed for a dangerous building at 610 Cottonwood. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Ruzicka nominated Cheney as Chairperson of the Board of Trustees. There being no further nominations, nominations were closed. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Nomination

approved. Appointments of Trustees to various Board Committees was considered. Cheney moved and Dorn seconded the following committee appointments:

Personnel Committee: Cheney & Murray

Finance Committee: Dorn & Murray

Street Committee: Murray & Simmons

Utilities Committee: Simmons & Ruzicka

Parks Committee: Dorn & Ruzicka

Housing Committee: Dorn & Ruzicka

Health Board: Chairman, Clerk, and resident Brandon Garvin

Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried. Resolution 2021-12.2 was introduced; A RESOLUTION APPROVING APPOINTMENTS TO THE BOARD OF HEALTH, AND DESIGNATING A VILLAGE ACCOUNTANT, OFFICIAL PUBLICATIONS, AND OFFICIAL DEPOSITORIES OF VILLAGE FUNDS, AND APPOINTING A VILLAGE ATTORNEY, VILLAGE ENGINEER, AND VILLAGE CLERK/TREASURER. Cheney moved and Dorn seconded a motion to approve Resolution 2020-12.2, a resolution approving appointments and reappointments of Village officials and service providers. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Murray moved and Cheney seconded a motion to approve Resolution 2021-12.3, a resolution appointing Justin Stark as Street Superintendent for 2022. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Simmons seconded a motion to approve the contract with David Solheim of Solheim Law Firm, LLC as Village Attorney. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Insurance agents were in attendance to present bids for the Village of Bennet insurance coverage. Clay Peterson with Inspro presented the renewal with EMC; Tim Norris with Home and Farm Insurance submitted a bid through Erin Ball from Ball Insurance for coverage with Intact Insurance; and Clint Simmons presented a bid through LARM (League Association of Risk Management). Simmons moved and Murray seconded a motion to accept the renewal with Inspro for \$33,618.00. Roll call vote: Cheney, Simmons, Murray, Ruzicka voted YES. Dorn voted NO. Motion carried.

A public hearing was held to receive public comment in favor of, or in opposition to approval of a Special Use Permit Application filed by Brian Kelly, President of LBL Properties, Inc., to allow a Farm Implement Dealership in the Agricultural District (A-1) on property legally described as S34, T9, R8, 6th Principal Meridian, LOT 10 SE. Chairperson Cheney opened the public hearing at 8:24 p.m. Village Engineer Brian Schuele stated that although a farm implement dealership is an allowed special use in the A-1 Agricultural District, there are several things that should be considered prior to approval including access points to Hwy 43, building locations, parking lots, utilities, signage, easements, setbacks, lighting plan and connectivity for future development. Chairperson Cheney closed the public hearing at 8:38 p.m. The Board agreed to postpone approval of the Special Use Permit until a more detailed site plan is submitted.

Dorn moved and Simmons seconded a motion to approve Resolution 2021-12.5, a resolution authorizing the Chairperson to sign the Year-End Certification of City Street Superintendent appointing Justin R. Stark. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Simmons seconded a motion to approve Resolution 2021-12.6, a resolution approving a wage increase for Ladonna Sue Biltoft. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Dorn seconded a motion to approve Resolution 2021-12.7, a resolution establishing wages and approving a salary increase for Village employees. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Ruzicka seconded a motion to approve Resolution 2021-12.8, a resolution approving the promotion of Russ Jones to Utility Superintendent effective January 11, 2022. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Dorn seconded a motion to approve Resolution 2021-12.9, a resolution approving employment of Michael Kucera as Maintenance Person. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

A bid was received from Hodges Farms and Dredging for the Bennet Wastewater Lagoon Cleaning project for \$285,000.00. Engineer Brian Schuele recommended approval. He stated that if more area was needed for spreading the sludge it would be their responsibility to acquire that and according to Olsson's internal estimate it was a competitive bid. Murray moved and Dorn seconded a motion to approve the bid from Hodges Farms and Dredging for the Bennet Wastewater Lagoon Cleaning project in the amount of \$285,000.00. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Engineer Brian Schuele acquired a quotation from Johnson Service Company for sanitary sewer manhole sealing in the amount of \$55,600.00. Since this exceeds the anticipated cost Schuele recommended approving the project in phases with the first phase addressing the four manholes north of Cottonwood Street and the first three manholes in the low-lying area on Hackberry south of Cottonwood for \$22,450.00. Cheney moved and Simmons seconded a motion to approve phase 1 of the sanitary sewer manhole sealing project with Johnson Services Company for \$22,450.00. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

The Board briefly discussed the paving of Tyler and Cottonwood Street. Schuele recommended waiting to decide until we know how much money the village will receive from the new infrastructure bill for roads and bridges.

Cheney moved and Ruzicka seconded a motion to approve Resolution 2021-12.10, a resolution approving a request by Windstream, Inc to occupy right-of-way within the corporate limits of Bennet as detailed in Work Order # 71501233200000; PR-4415 on the southwest corner of the intersection of Harrison St. and Garden St. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

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

Cheney moved and Murray seconded a motion to approve the Treasurer's Report. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Engineer Brian Schuele reported that the Cochrane Corner Addition is ready to start grading. The SWIFT and Drainage Plans have been submitted.

Communications were received from Doug Jose, the Chair of the Bennet Community Fund Advisory Committee, thanking the Board for installing the additional electric outlets at Village Park.

Cheney moved and Dorn seconded a motion to adjourn at 9:16 p.m. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Michele Lincoln, CMC  
Village Clerk