

**Village of Bennet, Nebraska**  
**Board of Trustees Minutes; May 14, 2018**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular meeting and public hearings on Monday, May 14, 2018 at 8:00 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 Don Murray called the meeting to order at 8:00 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 Justin Dorn, Jerris Nider, Don Murray, Brad Ruzicka and Ryan Cheney. A quorum being present and the meeting duly commenced, the following proceedings were taken while the session remained open for attendance by the public.

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

A list of claims for payment was considered. Motion by Cheney, second by Ruzicka to approve payment of claims. Roll call vote; Dorn, Ruzicka, Nider, Cheney, Murray voted YES. Motion carried. Village insurance agent Becky Haufle presented the Board with a refund from the 2017 insurance premium Safety Dividend Program, in the amount of \$2,308.51.

Rule provided a Treasurers Report and noted revenues from property taxes. The report included detail of Keno revenue for the first 1/4. Motion by Dorn, second by Nider to approve the Treasurers Report. Roll call vote; Ruzicka, Nider, Cheney, Murray, Dorn voted YES. Motion carried.

Village Engineer Ryan Brandt reported on paving and grading on Apple Street. Brandt noted the contractor would clean out the culverts, flatten the slopes and bring in some better dirt for the shoulders. Brandt suggested anything beyond that should be added to a planned grading project on Adams Street.

Reports were also received in the form of Planning Commission minutes, Lancaster County Sheriff's Department service log and the Utility Superintendent's report. Discussion of maintenance items included signage at the South Ballfield, barricades at the old entrance, and new bathrooms at Bennet Park.

Lillie Chambers represented Celebrate Bennet and provided a timeline of activities. Insurance coverage would be provided through the Bennet Community Builders Association.

Park Committee members provided information on tree planting and prices. Planting at the South Ballfield was postponed until the utility provider recommends and/or installs street lights.

Murray declared Hearing I. open at 8:15pm to receive comment on a proposed name change for portions of Bennet Road to Cottonwood Street, and portions of 162<sup>nd</sup> Street to Tyler Street within the corporate limits. Those offering comments included Al and Barb Cochrane, Permelia Young, Paul Buck, and Eric Tang. Written comments were also received. Comments regarded the hardship of an address change, suggestions to de-annex properties, and questions regarding notification of various agencies. It was also noted the area is in a growth pattern for the Village and changes to streets and infrastructure are inevitable. Establishing the street names would allow two residents to close on newly purchased properties, and allow the local address updates to be completed for the upcoming census. Hearing closed 8:42pm.

Hearing II convened at 8:42pm to receive comment on a request from Midwest Farmers Cooperative for a Change of Zone from I-1 Industrial and A-2 Agricultural to I-2 Industrial on various properties generally located on or adjacent to the OPPD Railroad Right of Way from Jackson Street

to Madison Street. Attending on behalf of MFC were Craig Schultz, Wayne Heyen, Jeremy Wilhelm and Bill Moates. Brad Marshall of Olsson and Associates represented MFC request. Marshall provided maps indicating railroad right-of-way and areas included in the request.

A third hearing convened at 8:50 (open simultaneously) to receive comment on Midwest Farmers Cooperative application for a Special Use Permit for the storage of portable anhydrous ammonia tanks year-round on all or part of the various properties listed in the COZ, and for existing permanent propane storage tanks and permanent anhydrous storage tanks on Lots 60 and 71.

MFC is anxious to bring properties into conformance with Bennet zoning regulations. Future growth is planned with an additional grain storage bin, compliant in I-2 Industrial. Brad Marshall confirmed the request for special use did not include areas in the floodway. Curtailing traffic from the ballfield area was commented on. Accessibility to nearby farm ground was questioned. Hearings II and III closed at 8:57pm.

The first issue of unfinished business was the third reading of Ordinance 2018-3.1, changing the name for portions of Bennet Road to Cottonwood Street, and portions of 162<sup>nd</sup> Street to Tyler Street within the corporate limits. Murray introduced Ordinance 2018-3.1 by reading the title and moved its approval, Ruzicka seconded the motion to adopt Ordinance 2018-3.1 on third and final reading. Roll call vote; Ruzicka, Murray, Dorn, Cheney voted YES. Nider voted NO. Motion carried.

An agreement with OPPD Railroad for a pipeline undercrossing agreement for a water main replacement project was discussed. Motion by Murray, second by Dorn to approve the pipeline agreement, contingent on insurance requirements being met. Roll call vote; Murray, Dorn, Cheney, Ruzicka, Nider, voted YES. Motion carried.

Ordinance 2018-5.1 was introduced approving a Change of Zone from I-1 Industrial and A-2 Agricultural to I-2 Industrial on various properties generally located on or adjacent to the OPPD Railroad Right of Way from Jackson Street to Madison Street (request of Midwest Farmers Cooperative). Motion by Murray, second by Cheney to advance Ordinance 2018-5.1 on first reading. Roll call vote; Ruzicka, Dorn, Cheney, Murray voted YES. Nider voted NO. Motion carried.

A request from Bruce Stahr for a drainage agreement, for portions of Nemaha Valley subdivision with residential lots containing a pedestrian easement for future trails and walkways, was discussed. Resolution 2018-5.1 was introduced approving an amended subdivision agreement for Nemaha Valley Subdivision, and Nemaha Valley Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Additions. Motion by Murray, second by Dorn approving Resolution 2018-5.1. Roll call vote; Cheney, Dorn, Ruzicka, Nider, Murray voted YES. Motion carried.

Nemaha Valley Subdivision developer Bruce Stahr also requested parking restrictions on one side of Hackberry Street, throughout Nemaha Valley Subdivision, and Nemaha Valley Subdivision 1<sup>st</sup> and 2<sup>nd</sup> Additions. Stahr suggested the north or 'inside', hydrant side. A resolution would be prepared for the June meeting.

June 28, 8:00pm was set for a workshop to consider capital projects.

The Clerk reported a delinquent utility account was satisfied. No action required.

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

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Patricia Rule, Village Clerk