

Village of Bennet, Nebraska
Board of Trustees Minutes; July 9, 2018

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular meeting on Monday, July 9, 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 8:01 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 Brad Ruzicka, Justin Dorn, Jerris Nider, Don Murray 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 Nider, second by Murray to approve minutes for the June 2018 Capital Improvement workshop. Roll call vote; Cheney, Ruzicka, Nider, 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; Cheney, Ruzicka, Dorn, Nider, Murray voted YES. Motion carried.

Motion by Ruzicka, second by Cheney approving the Treasurers Report. Roll call vote; Nider, Cheney, Murray, Dorn, Ruzicka voted YES. Motion carried.

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

Village Engineer Ryan Brandt reported meeting with the developer/contractor regarding sidewalk construction at Bennet Ridge, and observation of the Apple Street Project. Brandt recommended payment to Constructors for the Apple Street Project with a 5% retainage due to clean up and late seeding. Brandt would provide a report of the sludge study project in August.

Planning Commission minutes were received. Motion by Murray, second by Dorn approving alternate Commissioner Joshua Buck to fill the vacant term of *regular member*, ending October 2018. Roll call vote; Ruzicka, Nider, Cheney, Murray, Dorn voted YES. Motion carried.

Ordinance 2018-5.1 was introduced by title, 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.

Motion by Murray, second by Cheney to approve Ordinance 2018-5.1 on third and final reading. Roll call vote; Dorn, Cheney, Ruzicka, Murray voted YES. Nider voted NO. Motion carried.

Discussion concerned an application by Midwest Farmers Cooperative for a Special Use Permit for the storage of portable anhydrous ammonia tanks and permanent anhydrous and propane tanks on various properties listed in the COZ request. It was noted the map attachment to the resolution did not depict the specific properties as described in the resolution, however could be replaced with a color map reflecting the conditions and uses of various properties.

Resolution 2018-7.1 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 Murray, second by Cheney to Approve Resolution 2018-7.1. Roll call vote; Cheney, Ruzicka voted YES. Murray, Dorn, Nider voted NO. Motion failed.

Resolution 2018-7.2 was introduced: A RESOLUTION AUTHORIZING CERTAIN VILLAGE OFFICIALS TO SIGN CHECKS AND OTHER FINANCIAL INSTRUMENTS ON BEHALF OF THE VILLAGE.

Motion by Murray, second by Nider approving Resolution 2018-7.2. Roll call vote; Nider, Cheney, Murray, Dorn, Ruzicka voted YES. Motion carried.

Motion by Murray, second by Dorn to amend Resolution 2018-7.2 to include Trustee Ryan Cheney as signer. Roll call vote; Murray, Nider, Cheney, Dorn, Ruzicka voted YES. Motion carried.

Motion by Murray, second by Ruzicka approving placement and cost of street lighting on the South Ballfield park drive. Roll call vote; Nider, Cheney, Murray, Dorn, Ruzicka voted YES. Motion carried.

The Village Engineers recommendation for payment of 95% of pay estimate #1 to Constructors, INC for the Apple Street paving project was noted. Motion by Murray, second by Nider to approve payment in the amount of \$90,572.94 to Constructors as recommended. Roll call vote; Dorn, Nider, Cheney, Murray, Ruzicka voted YES. Motion carried.

An application to remove a building, from Dogwood Street property (West Bennet, Block 1, Lots 10 – 12) owned by Palmyra School District OR-1, was considered. Discussion concerned the route and bond amount for damage deposit and site cleanup. Motion by Murray, second by Cheney to waive the bond for clean-up and foundation removal. Roll call vote; Ruzicka, Cheney, Nider, Murray, Dorn voted YES. Motion carried.

Motion by Murray, second by Ruzicka approving the building moving application for Prairie Hill Learning Center. Roll call vote; Cheney, Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

Water service to the same property was discussed. The existing water meter connection is currently used for a grounds irrigation system. The Village attorney suggested a water service agreement was needed to provide for a water service to remain available to a vacant lot.

In closing, Trustees agreed to meet on July 30 or 31 to conduct a budget workshop.

Motion by Cheney, second by Nider to adjourn at 8:40 pm. Roll call vote; Cheney, Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

Patricia Rule, Village Clerk