

**Village of Bennet, Nebraska
Board of Trustees
Minutes February 14, 2022
Regular Meeting**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday February 14, 2022 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. Absent: Justin Dorn. 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.

Ruzicka moved and Cheney seconded a motion to approve minutes for the January 10, 2022, regular meeting. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

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

Attorney David Solheim reported that he had requested estimates from Municipal Code Services and American Legal Publishing for a base codebook and for a custom codebook update, but they have not gotten back to him yet.

Murray moved and Cheney seconded a motion to amend the agenda to have Michael Hoback present the audit report at the end of the New Business before the Reports. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Boyd Batterman and Engineer Dan Rosenthal with REGA Engineering Group, Inc. presented the Cochrane Corner Addition Final Plat to the Board of Trustees. The Preliminary Plat and Special Use Permit to allow multi-family and townhouse dwelling units in the Maximum Density Residential District (R-3) and Private Roadways was approved by the Village of Bennet Board of Trustees on October 11, 2021. The final is modified from the preliminary. It still consists of the basic design plan with an additional access point off Cottonwood Street. Chairperson Cheney introduced Ordinance 2022-1.1, AN ORDINANCE OF THE VILLAGE OF BENNET, NEBRASKA, ACCEPTING AND APPROVING THE PLAT DESIGNATED AS COCHRANE CORNER ADDITION, FILED IN THE OFFICE OF THE VILLAGE CLERK/TREASURER, UPON CERTAIN CONDITIONS SPECIFIED HEREIN AND PROVIDING FOR SURETIES CONDITIONED UPON THE STRICT COMPLIANCE WITH SUCH CONDITIONS. Cheney moved and Simmons seconded a motion to waive the three-reading rule for Ordinance 2022-1.1. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried. Cheney moved and Simmons seconded a motion to approve Ordinance 2022-1.1. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried. Cheney moved and Ruzicka seconded a motion to approve the Subdivision Improvement Agreement for Cochrane Corner Final Plat. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried. Cheney

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moved and Ruzicka seconded a motion to approve the Escrow Agreement for Cochrane Corner Final Plat. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Lyle and Lois Stephen of 580 Elm Street came to the Board requesting permission to plant a tree at Bennet Park in memory of their son Jason Stephen. It was agreed that somewhere in the northwest corner would be a good location. Murray moved and Cheney seconded a motion to allow Lyle and Lois Stephen to plant a tree at Bennet Park in memory of their son Jason Stephen. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Cheney moved and Ruzicka seconded a motion to approve Resolution 2022-2.1, a resolution placing a lien on 510 Madison in the amount of \$115.50 for unpaid water and sewer fees. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

The Utility Committee, Trustees Ruzicka and Simmons, shared their recommendations regarding changes to the utility requirements. Their recommendations included changing the reconnection fee from \$25 to \$100; disconnect notices to be issued the 16th of the month giving 7 days for payment before shut-off; charging a 20% stocking fee to materials sold such as meters, meter pits and readouts; and to establish minimum design standards for meter pits. They were also recommending that the utility accounts remain in the landlord's name to limit the hassle of processing multiple utility transfers and make it easier to collect on unpaid balances. Attorney Solheim questioned whether this would be legal but did suggest that we could require the landlord to sign an owner's consent form to agree to pay all unpaid utility charges for the property. Attorney Solheim will prepare the appropriate documentation for approval at the March meeting.

Murray moved and Cheney seconded a motion to amend the agenda to have the presentation of the audit next on the agenda. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Michael Hoback with AMGL, P.C. presented the audit report for fiscal year 2020/2021. He noted that Bennet maintains a good cash reserve. The water fund is in good standing. The sewer fund has needed a rate increase which was implemented in January of 2022. The trash fund saw more of a deficit this year which is likely due to the temporary funding of recycling services. He reported that there are two checks outstanding for over a year that need voided and that there was one point where the bank funds were not adequately FDIC insured which would be a bank oversight. Cheney moved and Ruzicka seconded a motion to approve the 2020/2021 Audit Report. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Chairperson Cheney introduced Ordinance 2022-2.2, AN ORDINANCE OF THE VILLAGE OF BENNET, IMPOSING A TEMPORARY MORATORIUM ON ACREAGE DEVELOPMENT IN THE A-1 ZONING DISTRICT UNTIL COMPLETION OF A NEW COMPREHENSIVE DEVELOPMENT PLAN AND FUTURE LAND USE MAP. Cheney moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance 2022-2.2. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried. Cheney moved and Simmons seconded a motion to approve Ordinance 2022.2.2. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

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The Planning Commission requested that there be a liaison of the Board of Trustees to participate in the Zoning Ordinance and Subdivision Regulation update process. Trustee Murray volunteered to be that liaison.

Keith Marvin, the Planning Consultant from Marvin Planning Consultants, encouraged the Planning Commission to request additional extra-territorial zoning jurisdiction from Lancaster County for the area between Bennet's one mile jurisdiction north of town to Hwy 2. The Planning Commission agreed that this would be a good avenue to pursue and wanted to know if the Board of Trustees would support the request. Cheney volunteered to participate in the negotiations.

The Board of Trustees discussed whether the Farmers' Market should continue under a village appointed advisory committee. The Board agreed that they were in favor of the continuation of the Farmers' Market but felt the management of it should be under a non-profit group and not require the staff to support it and maintain the records. Market Manager Larry Kramer stated that if the Village was not willing to support it this year, that it probably would not happen. It was too late to organize under a different entity and he has had a hard time finding volunteers willing to serve. The Board agreed to continue the Farmers' Market for 2022 under a village appointed advisory committee.

Cheney moved Ruzicka seconded a motion to approve Resolution 2022-2.2, a resolution approving a request by Windstream, Inc. to occupy right-of-way within the corporate limits of Bennet as detailed in Work Order #71501247500000; PR-05099 to place 1400' of aerial and buried 48 fiber cable in existing duct from the existing cable on Cottonwood Street to serve the Cedar Brook Subdivision. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Cheney moved Ruzicka seconded a motion to approve Resolution 2022-2.3, a resolution approving a request by Windstream, Inc. to occupy right-of-way within the corporate limits of Bennet as detailed in Work Order #71501247600000; PR-05118 to place 48 fiber cable in existing duct along the south side of Sweetgrass land and bore new fiber cable in new duct along the west side of Tyler Street. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

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

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

The Clerk reported that it had been discovered that the Zoning Map that has been used as the official Zoning Map since January of 2020 was not adopted by the Board of Trustees. There was a public hearing held before the Planning Commission in October of 2019, but there is no record of the public hearing before the Board of Trustees or an adoption by the Board of Trustees recorded. The Clerk, as the Zoning Administrator, recommended proceeding with a public hearing before the Planning Commission, a public hearing before the Board of Trustees and then taking action to approve the Zoning Map. She also mentioned that we could make additional changes at this time expanding the commercial district north on Hwy 43 and expanding the downtown commercial area as dictated in the Comprehensive Plan. The Board agreed with proceeding with the public hearings and taking action to adopt the Zoning Map.

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Engineer Brian Schuele reported the estimated cost of paving with geotechnical cement base would be \$149,005 for Tyler Street and \$158,493 for Cottonwood Street. Hodges Farms and Dredging is planning on starting the removal of the lagoon sludge this week. The Water Main Design project should be complete by the end of March or upon DWSRF coordination. Funding options should be available by the end of March. Schuele also mentioned that there was a new source of funding available for the treatment of emerging contaminants. According to NDEE, Bennet and Lancaster Rural Water listed high manganese. It is better to treat the water at its source, but the State can not provide funding directly to Lancaster Rural Water. Schuele and NDEE have been discussing creative solutions to obtain funding for the treatment of the high manganese.

Cheney moved and Ruzicka seconded motion to adjourn at 8:34 p.m. Roll call vote: Simmons, Murray, Ruzicka, Cheney voted YES. Motion carried.

Michele Lincoln, CMC
Village Clerk