

Village of Bennet, Nebraska
Board of Trustees Minutes; March 11, 2019

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular meeting and public hearing on Monday, March 11, 2019 at 7:00 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 Justin Dorn called the session to order at 7:02 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, Don Murray, Jerris Nider and Justin Dorn. Trustee Ryan Cheney was absent. A quorum being present and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Motion by Nider, second by Ruzicka to approve minutes for the regular business meeting held February 11, 2019. Roll call vote; Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

Motion by Ruzicka, second by Dorn to approve minutes for the special community meeting held on March 7, 2019. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

A list of claims for payment was considered. Added to the list was a claim by Canon for maintenance and copies \$154.58.

Motion by Murray, second by Nider to approve payment of claims presented. Roll call vote; Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

Michael Hoback of AMGL Accountants addressed Trustees to outline the 2017/18 Financial Statement for Bennet. Hoback noted the Bennet office does a good job of accurately entering transactions. The Village maintains adequate cash reserves considering recent infrastructure projects. Growth in valuation allows the property tax levy to remain low. Hoback recommends Trustees continue oversight, review rate fees annually, and the office should develop a disaster recovery plan. The audit was placed on file.

A Treasurers report was considered. Motion by Dorn, second by Ruzicka to accept the March 2019 Treasury report. Roll call vote; Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

Written reports were received from the Village Engineer, Sheriff's Department, Farmer's Market, Health Board and Utility Superintendent. The February Planning Commission meeting was canceled, no additional report.

Dave Pool reported for the Panther Ball Club. Approximately 21 teams would be comprised of about 220 children. Uniforms and insurance were in process. A practice schedule was not complete. Pool suggested a wireless scoreboard was needed and the Club could potentially contribute five to seven thousand dollars of the cost. Trustees agreed fund raising and contributions from the Ball Club would promote 'ownership'. New bleachers were questioned. Murray suggested the Ball Club should decide what they could afford to chip in prior to the purchase of a scoreboard.

Communications were noted.

Motion by Dorn, second by Murray to amend the agenda to address Item 8.a. *Request by Four Sons LLC for an amendment to the keno operator agreement to share audit cost*, as the next item of business, to allow the Village Accountant to participate in the discussion. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

Keith Blake of Four Sons Inc., Keno Operator for the Village, addressed the Board regarding the keno operating contract. Blake stated that while working on contract terms for numerous communities, it was an oversight on his part to agree to his company paying the expense of an independent audit. Net income for his company from Bennet Keno would not support the expense. The Clerk reported her

contact with other communities in Nebraska. Agreements varied with who was responsible for the cost, the community or the operator.

Motion by Murray, second by Ruzicka to amend the Keno Operating contract to provide the cost of the annual keno audit be shared 50/50, with the Village share not to exceed \$1,500.00. Roll call vote; Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

A public hearing convened at 8:01 to receive comment on a resolution designating expenditures of public funds for recognition dinners and awards pursuant to the Local Government Miscellaneous Expenditures Act. No comments were received. The hearing closed at 8:03 pm.

Dorn introduced, and moved passage of Resolution 2019-3.1. A RESOLUTION ESTABLISHING A POLICY REGARDING EXPENDITURES OF PUBLIC FUNDS FOR RECOGNITION DINNERS, PLAQUES AND AWARDS FOR PUBLIC SERVICE. A second was received on the motion from Ruzicka. Roll call vote; Ruzicka, Nider, Murray, Dorn voted YES. Motion carried.

Recognizing outstanding community service was discussed. Motion by Murray, second by Ruzicka approving the proposed procedure for community service awards. Further discussion concluded the first award would be a plaque honoring former Planning Commissioner Al Williams. Roll call vote; Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

Resolution 2019-3.2 was introduced by title: A RESOLUTION APPROVING A FIELD USE AGREEMENT (LICENSE) WITH PANTHER BALL CLUB FOR USE OF BENNET BALL FIELDS DURING THE 2019 BASEBALL SEASON.

The need for a schedule, and use of the fields by other groups and general public was discussed. Panther Ball Club representative Dave Pool expressed concerns for products and equipment stored in the concession stands. Pool offered to operate the concession stands for the community. The Village Attorney reiterated the agreement was not a lease, fields and buildings were public facilities and could not be exclusive to a specific group and exclude use by the public. Trustees agreed numerous groups would like to use the facilities, Village tax dollars pay for field maintenance, insurance, electricity, etc. The Panther Club was advised to secure their inventory.

Motion by Dorn, second by Murray approving Resolution 2019-3.2, pending receipt of a final Panther Club schedule. Roll call vote; Nider, Murray, Dorn, Ruzicka voted YES. Motion carried.

An agreement with SpectrAir, LLC for use of the Village water tower for wireless internet services was considered. Discussion concerned an amendment to the annual increase, to 1.5% annually. Bandwidth and gigahertz were also discussed.

Resolution 2019-3.3 was introduced: A RESOLUTION APPROVING A WATER TOWER LEASE AGREEMENT BETWEEN THE VILLAGE OF BENNET, NEBRASKA AND SPECTRAIR, LLC, A NEBRASKA LIMITED LIABILITY COMPANY AUTHORIZING SPECTRAIR, LLC TO ATTACH CERTAIN EQUIPMENT TO THE WATER TOWER ON LOT 1, PUBLIC UTILITY ADDITION.

Motion by Ruzicka, second by Nider approving Resolution 2019-3.3 Roll call vote; Ruzicka, Nider, Murray, Dorn voted YES. Motion carried.

Resolution 2019-3.4 was introduced: A RESOLUTION APPROVING A WIRELESS SERVICE AGREEMENT BETWEEN THE VILLAGE OF BENNET, NEBRASKA AND SPECTRAIR, LLC, A NEBRASKA LIMITED LIABILITY COMPANY UNDER WHICH SPECTRAIR WILL PROVIDE CERTAIN INTERNET SERVICES TO THE VILLAGE ON THE TERMS AND CONDITIONS AS SET FORTH THEREIN.

Motion by Ruzicka, second by Murray approving Resolution 2019-3.4 amended to reflect a 1.5% annual increase in cost of service. Roll call vote; Ruzicka, Nider, Murray, Dorn voted YES. Motion carried.

Motion by Dorn, second by Murray approving a letter agreement with Kirkham Michael for design, bid, and construction services for a sludge dewatering system and street shop building. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

Motion by Murray, second by Nider to approve Change Order #1 to the Railroad Water Main Improvement Project in the amount of \$2,685.00. Roll call vote; Murray, Dorn, Nider, Ruzicka voted YES. Motion carried.

Motion by Dorn, second by Ruzicka approving Contractors pay estimate #2 for the Railroad Water Main Improvement Project in the amount of \$5,670.00. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

In discussion of improvements to Tyler Street, Village Engineer Ryan Brandt estimated 6 inch asphalt paving, 26 feet wide for Tyler Street north from Cottonwood to the end of the corporate limits at \$250,000.00. Brandt's plan would include sub-grading. No drainage detail was provided. Engineering cost were estimated at \$40,000.00. Budget and financing the project was also discussed.

Motion by Dorn, second by Murray to amend the agenda to allow item 8.b. *Discuss possible sanitary sewer extension north to Bennet Business Park development area LOT 16 NE, Sec 34, T9, R8, Lancaster County, Nebraska*, as the next item of business. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

Doug Derscheid requested the Board consider the possibility of sanitary sewer disposal services to his property (described above) south of the Highway #2 intersection. Derscheid suggested a 2 or 3 inch pressured line from his 5 commercial lots to the Village Waste Water Treatment Plant could be up-sized by the Village to promote future development. The Village Attorney cautioned the extension of a public utility to a private entity. Trustee's agreed annexation was not a possibility at this time, and funding was not available.

Motion by Ruzicka, second by Dorn to enter a closed session to discuss negotiations for land acquisition at 9:22 pm. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried. Chairman Dorn repeated the reason for the closed session.

Motion by Dorn, second by Murray to return to open session at 9:39 pm. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

Letter agreements for property appraisals were considered. Motion by Murray, second by Dorn to approve a letter agreement with Kubert Appraisal Group for appraisal of property located generally at 960 Monroe Street. Roll call vote; Nider, Ruzicka, Murray, Dorn voted YES. Motion carried.

In continued business, the Clerk explained the process of multi-jurisdictional hazard mitigation planning with the Lower Platte South NRD. To participate, Bennet representatives would need to attend several meetings, identify hazards, develop a strategic plan for mitigation and participate in the process to adopt the plan. Participation would keep Bennet eligible for possible federal funding. Murray volunteered to participate.

Motion by Dorn, second by Ruzicka to appoint Don Murray, Pat Rule and a member of the Planning Commission to represent Bennet in the Hazard Mitigation Plan project. Roll call vote; Nider, Dorn, Ruzicka, Murray voted YES. Motion carried.

In closing, the Clerk noted recent efforts to update and correlate emergency information into an [Emergency Recovery and Operation Plan for the Village](#). Identification cards for personnel [WAI] are required in a disaster to allow personnel access to critical areas of the community. Rule explained the process of acquiring the ID cards from Emergency Management.

Motion by Dorn, second by Nider to adjourn at 9:46 p.m. Roll call vote; Nider, Dorn, Ruzicka, Murray voted YES. Motion carried.