

Village of Bennet, Nebraska
Board of Trustees Minutes; May 13, 2019

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular meeting on Monday, May 13, 2019 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 Justin Dorn called the session 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 Brad Ruzicka, Jerris Nider, Justin Dorn and Ryan Cheney. Don Murray 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 Cheney, second by Nider to approve minutes for the regular meeting held April 8, 2019. Roll call vote; Cheney, Dorn, Nider, Ruzicka voted YES. Motion carried.

A list of claims for payment was presented. An addition to Kubert Appraisal Group for \$3,200.00 was accepted. Motion by Cheney, second by Ruzicka to approve payment of claims presented. Roll call vote; Ruzicka, Nider, Dorn, Cheney voted YES. Motion carried.

Village Engineer Ryan Brandt would email information for the process of street assessment. Examples of street assessments completed by Olsson were provided by Emily Bausch.

Ordinance 2019-5.1 was introduced by title; AN ORDINANCE authorizing and directing the paving and repaving of portions of Hackberry Street from Garden Street to Cottonwood Street and at the intersection of Hackberry Street and Harrison Street.

Motion by Ruzicka, second by Dorn to suspend the Three Reading Rule for Ordinance 2019-5.1. Roll call vote; Nider, Ruzicka, Dorn, Cheney voted YES. Motion carried.

Motion by Ruzicka, second by Cheney to approve Ordinance 2019-5.1 on first and final reading. Roll call vote; Ruzicka, Dorn, Cheney, Nider voted YES. Motion carried.

Olsson representative Emily Bausch reported that design teams were able to achieve a 'no-net rise' on the trail design. Bausch also suggested that with the deadline expiring for the NRD grant, a prefabricated bridge could be ordered in advance of awarding a contract for the entire project. Request for a grant extension was discussed. Developer Mark Schmidt offered to provide topographic surveys for use by the Village.

Resolution 2019-5.1 was introduced; A RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE PLANNING COMMISSION. Ryan Moore addressed the Board regarding his family's involvement in the community and his interest in serving on the Commission. Motion by Dorn, second by Ruzicka approving Resolution 2019-5.1 with Moore as Alternate member to the Planning Commission. Roll call vote; Ruzicka, Nider, Dorn, Cheney voted YES. Motion carried.

A recommendation by Village Engineer Ryan Brandt regarding the Adams Street paving project was discussed. The Clerk noted several complaints from residents of the unfinished state of the project. Complaints included their driveway access was obstructed by the pavement drop off. Brandt noted the pay request was proportionate to the amount of work completed, with a percent retained. Motion by Cheney, second by Ruzicka approving Constructors, Inc. Pay Request #1 for the Adams Street Paving Project in the amount of \$52,452.90. Roll call vote; Nider, Dorn, Cheney, Ruzicka voted YES. Motion carried.

Future development of trail connections from Whispering Pines Park through the Nemaha Valley Subdivision was discussed. Residents of the subdivision suggested they were unaware of a pedestrian

easement when purchasing their property. The Village Attorney suggested they review their title binder. The easements are also recorded in the Register of Deeds office. Residents expressed concern for potential criminal mischief, owner liability, and responsibility for maintenance. Trustees agreed they were not prepared to release the easements, however would look into the possibility of reducing the area.

Inspro insurance agent Becky Haufle presented the Village with a dividend check in the amount of \$3,687.87.

Motion by Dorn, second by Cheney to amend the agenda to address item 7.f. as the next issue to allow discussion regarding insurance coverage for a fireworks display. Roll call vote; Dorn, Cheney, Nider, Ruzicka voted YES. Motion carried.

Discussion concerned coverage limits that would be split among 3 or 4 named entities. Additional information was needed to acquire quotes for additional coverage. Motion by Dorn, second by Ruzicka to postpone action on a resolution approving activities sponsored by the Bennet Builders Association Celebration, including a fireworks display at the South Ballfield. Roll call vote; Ruzicka, Dorn, Cheney, Nider voted YES. Motion carried.

Resolution 2019-5.2 was introduced approving the hire of Mark Tiedeman as part time refuse site attendant. Motion by Dorn, second by Nider approving Resolution 2019-5.2. Roll call vote; Cheney, Nider, Ruzicka, Dorn voted YES. Motion carried.

Mark Schmidt addressed the Board regarding the Evergreen Place Subdivision. Schmidt filed a preliminary plat that would add area east of Hackberry Street to the original preliminary plat. The Planning Commission recommended approval. Neighboring resident Brad Rathje voiced concerns for drainage control and increased water flow in the area. The Village Engineer noted that a retention pond would need to be sized for calculated flows.

Resolution 2019-5.3 was introduced approving Evergreen Place 1st Edition Preliminary Plat. Motion by Dorn, second by Cheney approving Resolution 2019-5.3. Roll call vote; Cheney, Ruzicka, Dorn, Nider voted YES. Motion carried.

In continued business; Motion by Cheney, second by Ruzicka approving an agreement for Farmers Market advertising on the BCBA digital sign. Roll call vote; Cheney, Nider, Ruzicka, Dorn voted YES. Motion carried.

A Treasurer's report was considered. Motion by Ruzicka, second by Cheney to approve the May 2019 Treasury report. Roll call vote; Cheney, Dorn, Nider, Ruzicka voted YES. Motion carried.

Reports were also received from Village Engineer Ryan Brandt, The Farmers Market Committee, the Planning Commission and the Village Health board.

A communication was received from the Bennet Community Builders regarding a Splash Pad celebration.

Motion by Cheney, second by Ruzicka to enter a closed session to discuss negotiations for land acquisition at 10:18 pm. Roll call vote; Cheney, Nider, Ruzicka, Dorn voted YES. Motion carried. Chairman Dorn restated the reason for the closed session.

Motion by Dorn, second by Ruzicka to return to open session at 10:36 pm. Roll call vote; Nider, Ruzicka, Cheney, Dorn voted YES. Motion carried.

Motion by Dorn, second by Nider to adjourn at 10:36 p.m. Roll call vote; Nider, Dorn, Ruzicka, Cheney voted YES. Motion carried.

Patricia Rule, Village Clerk