

Village of Bennet, Nebraska
Board of Trustees Minutes; September 9, 2019

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a public hearings, Board of Adjustment hearing and regular business meeting on Monday, September 9th, 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.

In the absence of Chairman Justin Dorn, Village Clerk Patricia Rule conducted roll call and called the meeting to order at 8:02 pm. Trustees in attendance were Jerris Nider, Brad Ruzicka, Ryan Cheney and Don Murray. A quorum being present and the meeting duly commenced, the following proceedings were recorded by the Clerk while the session remained open to attendance by the public.

Motion by Murray, second by Nider to nominate Ryan Cheney as Chair Pro Tem. Roll call vote; Nider, Cheney, Ruzicka, Murray voted YES. Motion carried.

Cheney announced the location of the Open Meetings Act posted near the entrance of the room for access by the public.

Motion by Murray, second by Ruzicka to approve minutes for the August 20, 2019 Special Session. Roll call vote; Nider, Cheney, Ruzicka, Murray voted YES. Motion carried.

Public Hearing #1 was called to order at 8:04 pm to receive comment on the proposed 2019/2020 budget document. Copies were available for the public. The Chairman called for comment. A question regarded funding for a drainage project on Cottonwood and Hackberry Street was discussed. The hearing closed at 8:08 pm.

Public Hearing #2 was called to order at 8:08 pm to receive comment on the final tax request for the 2019/2020 fiscal year budget. Due to increased tax revenue from an increased valuation, expenditures could increase while the tax levy remains the same. Receiving no further comments the hearing closed at 8:09 pm.

Request for consideration by the Board of Adjustments, for variances from rear and side setback requirements at 520 Harrison Street, and from front setback requirements at 470 Jackson Street, were both withdrawn. Property owners were not in attendance.

A list of claims was considered. Motion by Ruzicka, second by Murray to approve the claims for payment. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

Regarding unfinished business, Resolution 2019-9.1 was introduced by title. A RESOLUTION APPROVING THE RELEASE OF CERTAIN UNNEEDED UTILITY EASEMENTS IN (A) OUTLOT A, EVERGREEN PLACE AND (B) LOT 1, BLOCK 1, BUSH PINES NORTH AND OUTLOT A, BUSH PINES NORTH SECOND ADDITION, AND AUTHORIZING THE CHAIRMAN TO EXECUTE EASEMENT RELEASES THEREFOR ON BEHALF OF THE VILLAGE.

Motion by Cheney, second by Murray approving Resolution 2019-9.1. Roll call vote; Nider, Ruzicka, Murray, Cheney voted YES. Motion carried.

Ordinance 2019-9.1 was introduced by title; AN ORDINANCE ACCEPTING AND APPROVING THE PLAT DESIGNATED AS EVERGREEN PLACE 1ST ADDITION, FILED IN THE OFFICE OF THE VILLAGE CLERK OF THE VILLAGE OF BENNET, NEBRASKA, UPON CERTAIN CONDITIONS HEREIN SPECIFIED AND PROVIDING FOR SURETIES CONDITIONED UPON THE STRICT COMPLIANCE WITH SUCH CONDITIONS.

The Village Attorney noted that adopting the plat by ordinance was due to the dedication of new streets, and also suggested the three readings could be waived. Neighboring property owner Brad Rathje voiced concerns for drainage, storm water inlet points and the number of acres presently draining across the flood plain. Village Engineer Ryan Brandt noted consultation with Kirkham Michael's water engineer, and that 'no-net rise' was calculated for the project as a whole. The choking point to cause any rise in

water is an existing railroad bridge further east of the subdivision. A retention pond would further reduce water entering from the west side of Hackberry Street. Trustee Nider suggested allowing Rathje time to consult with his own engineer.

Motion by Ruzicka, second by Cheney to waive the Three Reading Rule for Ordinance 2019-9.1. Roll call vote; Cheney, Ruzicka, Murray voted YES. Nider voted NO. Motion failed.

Motion by Ruzicka, second by Murray to advance Ordinance 2019-9.1 to second reading. Roll call vote; Cheney, Nider, Murray, Ruzicka voted YES. Motion carried.

Use of a remaining portion of Outlot D, abutting Whispering Pines Park and lots 4 and 5 of Block 1, Bush Pines North was considered. Owner Jim Penterman was informed of the discussion but was not in attendance. Trustees agreed to advise Mr. Penterman that the property in question was his to decide what he wants to do with it. If he is interested in giving it to the Village by quick claim deed they will accept it as an addition to Whispering Pines Park.

Chad Yost of SpectrAir provided an update regarding the delay in installation of fiber optic internet. Yost recently sustained an injury, preventing his climbing the water tower to complete the installation.

In further business, Motion by Ruzicka, second by Murray to approve an additional 1% increase in restricted funds authority. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

Cheney introduced Resolution 2019-9. 2; A RESOLUTION APPROVING THE FISCAL YEAR 2019/2020 BUDGET FOR THE VILLAGE OF BENNET. Motion by Cheney, second by Murray approving Resolution 2019-9.2. Roll call vote; Cheney, Nider, Murray, Ruzicka voted YES. Motion carried.

Resolution 2019-9.3 was introduced approving the tax levy for the 2019/2020 fiscal year. Motion by Cheney, second by Ruzicka to approve Resolution 2019-9.3. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

Resolution 2019-9.4 was introduced placing a lien on 155 Madison Street in the amount of \$195.63 for unpaid water and sewer fees. Motion Ruzicka, second by Nider approving Resolution 2019-9.4. Roll call vote; Ruzicka, Nider, Murray, Cheney voted YES. Motion carried.

Moving and removing buildings, and bond requirements were discussed.

Resolution 2019-9-5 was introduced approving the route and setting a surety bond to move a building to Alexander's Addition, Lot 4. Discussion concerned the placement of the building, platting the area, proximity to existing structures, and building permits and inspections.

Motion by Ruzicka, second by Murray to set the surety bond in the amount of \$500.00 to move a building to what is currently Alexander's Addition, Lots 4 and 5. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

Motion by Cheney, second by Ruzicka to approve Resolution 2019-9.5, approving the route and \$500.00 bond. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

Motion by Ruzicka, second by Murray to set the surety bond in the amount of \$500.00 to move a building to what is currently Alexander's Addition, Lot 22 I.T. Roll call vote; Nider, Cheney, Ruzicka, Murray voted YES. Motion carried.

Resolution 2019-9-6 was introduced approving the route and setting the surety bond to move a building to Alexander's Addition, Lot 22 I.T. Motion by Cheney, second by Murray to approve Resolution 2019-9.6. Roll call vote; Ruzicka, Nider, Cheney, Murray voted YES. Motion carried.

Discussion regarding an application to remove a structure from the Village corporate limits, and appropriate bond amounts and responsibility for surety bonds.

Motion by Murray, second by Cheney to require a surety bond of \$1,500.00 for removing the old railroad depot from Block 57, divided as \$500.00 for street damage and \$1000.00 to insure proper removal and filing of the basement. Roll call vote; Nider, Ruzicka, Murray, Cheney voted YES. Motion carried.

Resolution 2019-9.7 was introduced approving the route and setting a surety bond to remove a building from Block 57. Motion by Cheney, second by Ruzicka to approve Resolution 2019-9.7. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

In closing, reports and communications were received.

Motion by Ruzicka, second by Murray to approve the Treasurer's Report for September 2019. Roll call vote; Murray, Cheney, Ruzicka, Nider voted YES. Motion carried.

Village Engineer Ryan Brandt reported on response to a NEDEQ notice, and a complaint regarding construction on Adams Street.

Reports were also received from the Utility Superintendent, Health Board and Farmer's Market.

Communications included a letter from a resident regarding street improvements needed in older neighborhoods, and a schedule for holiday celebrations.

Motion by Ruzicka, second by Murray to adjourn at 9:29 pm. Roll call vote; Cheney, Ruzicka, Nider, Murray voted YES. Motion carried.

Patricia Rule, Village Clerk