

**Village of Bennet, Nebraska**  
**Board of Trustees**  
**Minutes September 13, 2021**  
**Special Meeting /Budget Hearings & Regular Meeting**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a special meeting to hold the Budget Public Hearings on Monday, September 13, 2021 at 6:00 p.m., at 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 an agenda for the meeting, kept continuously current, was available for public inspection at the offices of the Village Clerk and posted at the Village Office, Post Office and First Nebraska Bank.

Chairperson Ryan Cheney called the workshop to order at 6:00 p.m. and announced the location of the Open Meetings Act posted near the entrance of the room for access by the public. Michele Lincoln, Village Clerk conducted roll call and recorded the minutes. Trustees responding as present were Ryan Cheney, Pete Simmons, Don Murray, Justin Dorn and Brad Ruzicka. Absent: None.

A quorum present, and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Cheney opened the public hearing for the presentation of the proposed 2021/2022 budget document at 6:00 p.m. Copies were available for the public. The Village Clerk presented the key points of the purposed budget. Bennet's valuation increased by \$9,667,730. The tax request remained the same as the prior year lowering the levy from .43 to .38 per \$100 of assessed value. The total expenditures is \$2,004,867 which is a \$334,831 increase from the prior year. Cheney closed the public hearing at 6:06 p.m. Cheney opened the public hearing to set the final tax request at 6:06 p.m. There being no public comment, the hearing was closed at 6:12 p.m.

Cheney moved and Murray seconded a motion to adjourn at 6:12 p.m. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday September 13, 2021 immediately following the Budget Public Hearings, 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 to 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 6:12 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, Justin Dorn. Absent: None. 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.

Murray moved and Ruzicka seconded a motion to approve minutes for the August 9, 2021 special meeting for the budget workshop and regular meeting. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

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

Cheney moved and Ruzicka seconded a motion to amend Ordinance 2021-8.1 by substitution. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried. Chairperson Cheney introduced ORDINANCE 2021-8.1, AN ORDINANCE ACCEPTING AND APPROVING THE PLAT DESIGNATED AS CEDAR BROOK ADDITION, FILED IN THE OFFICE OF THE VILLAGE CLERK/TREASURER OF THE VILLAGE OF BENNET, NEBRASKA. UPON CERTAIN CONDITIONS HEREIN SPECIFIED AND PROVIDING FOR SURETIES CONDITIONED UPON THE STRICT COMPLIANCE WITH SUCH CONDITIONS. Ruzicka moved and Dorn seconded a motion to waive the third reading of Ordinance 2021-8.1. Roll call vote: Cheney, Simmons, Ruzicka, Dorn voted YES. Murray voted NO. Motion carried. Cheney moved and Murray seconded a motion to approve Ordinance 2021-8.1 on second reading. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Jerris Nider submitted an agenda request that a sidewalk be installed to the curb in front of 765 Prairie Clover Ln. His submittal stated that he felt it was a safety concern for kids at the bus stop and with the new neighborhood coming there would be increased traffic. There is a sidewalk on the north side of Prairie Clover Ln but it ends at a ditch forcing the kids to go out around the curb onto the street to access the bus. There is a concrete pedestrian pad on the south side of Prairie Clover Ln that a sidewalk could connect to which would not require the kids to go into the street. One of the trustees stated that Mr. Nider mentioned the Village had funds set aside for this. Murray moved and Ruzicka seconded a motion to deny the request to install a sidewalk on the south side of Prairie Clover Ln for multiple reasons, unless Mr Nider can show where the reserved funds are. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Jake & Kristi Sittner requested the removal/repair of a drainage ditch on the west side of the property they purchased at 360 Fir St. This is a concrete drainage ditch that is crumbling, and they believed to be a safety hazard with a steep drop off where the sidewalk crosses it. They would like to find an alternative that is safer, more attractive, and easier to maintain. The Board said they would need to have the Village Engineer look at it to see if it could be replaced with a culvert of some type.

Doug Yost, Chairman of the Bennet Community Fund (BCF), came to the Board with several requests from the BCF and the Christmas-in-the-Park Committee. They were requesting permission to hold the annual Christmas-in-the-Park activity in the Bennet Park December 4<sup>th</sup> and to have access to the park facilities including the kitchen, restrooms and electric service. Murray moved and Simmons seconded a motion to allow the Christmas-in-the Park on December 4<sup>th</sup>. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried. There was no specific discussion or motion regarding the use of the kitchen and restroom facilities. He also wanted to request that additional electrical outlets be installed in each corner of the park and on either side of the gazebo to provide better access to electricity for the Christmas lights so they would not need to run so many extension cords and asked if it could be done by December 4<sup>th</sup>. The Board said they would get a bid from Empire.

Tim Norris, the Bennet Fire & Rescue Fire Chief addressed the Board to request that the Village use some of the ARP (American Rescue Plan) funds to assist with the purchase of a new CAAS standard ambulance, power cot and power lift, stair chair, and updated patient monitor and defibrillator. They anticipate the cost to be \$300,000. Currently ambulance service is provided by Lincoln Fire, but with the increase for calls for service Bennet is seeing longer wait times for transportation to the hospital. With Bennet's growth this would be a significant service to the community. The Board of Trustees had marked

these funds for needed water main upgrades but do want to provide some assistance with the purchase. The Board agreed to look into it further.

A Public Hearing was held on the Amended Budget for 2020/2021. Chairperson Cheney opened the public hearing at 6:59 p.m. Due to unforeseen circumstances, actual expenditures for the current fiscal year will exceed budgeted expenditures unless the current fiscal year's budget of expenditures is revised. The budget is being amended for capital improvements and debt service which include the million-dollar street project and refinance of the water and sewer debt service. The adopted budget had \$1,670,036.00 for disbursements and transfers; the revised budget has \$3,770,036.00 for disbursements and transfers. There being no public comment, Cheney closed the hearing at 7:01 p.m.

Cheney moved and Dorn seconded a motion to approve Resolution 2021-9.1, a resolution to approve the Amended Budget for 2020/2021. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Murray moved and Simmons seconded a motion to approve an additional 1% increase in restricted funds authority. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried. Cheney moved and Dorn seconded a motion to approve Resolution 2021-9.2, a resolution to approve the property tax request. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried. Cheney moved and Murray seconded a motion to approve Resolution 2021-9.3, a resolution to approve the 2021/2022 Budget for the Village of Bennet. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Attorney William Austin of Blake/Austin Law Firm LLP submitted his resignation effective December 31, 2021. The Board thanked Austin for his many years of service. Austin agreed to prepare an RFP to find his replacement. He recommended that we try to find legal counsel with experience representing cities of the second class. The Personnel Committee, Cheney, and Murray, will serve as the committee to seek new legal counsel.

Dina Rathje submitted her resignation from the Village of Bennet Planning Commission effective the date filed in the office of the Village Clerk, August 11, 2021.

Cheney moved and Ruzicka seconded a motion to approve the Letter Agreement from AMGL, P.C. for the 2020/2021 audit services. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Chairperson Cheney introduced Ordinance 2021-9.1, AN ORDINANCE AMENDING § 53.46 OF THE CODE OF BENNET RELATING TO SEWER RATES BY INCREASING THE BASE FEE AND USAGE FEE FOR RESIDENTIAL, NON-RESIDENTIAL, AND NON-RESIDENT CONTRIBUTORS; AND REPEALING § 53.46 OF THE CODE OF BENNET AS HITHERTO EXISTING. Cheney moved and Simmons seconded a motion to approve the first reading of Ordinance 2021-9.1. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Ruzicka seconded a motion to approve Resolution 2021-9.4, a resolution accepting and approving the plat designated as Deer Trail Valley 1<sup>st</sup> Addition. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

In an effort to discover the source of storm water infiltration into the sanitary sewer the Board discussed implementing a program to ensure sump pumps are not being discharged into the sanitary sewer. Village Engineer Brian Schuele mentioned that sump pumps being directed into the sanitary sewer is a common case in a number of communities. Attorney Austin stated that the Village cannot mandate inspections as it would be a violation of the public's Fourth Amendment rights. Any inspections would need to be voluntary. Continuing with educating the citizens and ensuring all new homes are properly inspected may be our only recourse.

Dorn moved and Cheney seconded a motion to approve the Application and Certificate for Payment #2 to Constructors, Inc. in the amount of \$365,414.56 for the 2021 Bennet Street Improvement Project. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

The status of the abatement of the unsafe building and nuisance at 610 Cottonwood, legally described as ALEXANDERS ADDITION TO BENNET, BLOCK 7, EX E176' S124' & EX N88' S258' W124' & EX E134.25' N140' & EX PT STARTING IN NE BLOCK 7 S140' THEN W176' THEN N10' THEN E34' THEN N88' THEN E8' THEN N42' THEN E134.25', was discussed. There was not any owner representation in attendance. The tenants have vacated the premises. Attorney Austin has drafted a Complaint to file with District Court ordering the abatement. Cheney moved and Murray seconded a motion to direct Attorney Austin to file a Complaint directing the abatement of the unsafe building and nuisance on the property located at 610 Cottonwood with District Court. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Simmons seconded a motion to approve Resolution 2021-9.5, a resolution approving a request by Windstream, Inc to occupy right-of-way within the corporate limits of Bennet as detailed in Work Order # 71501009302256; PR-2910 from 160' north of the drive of 185 Tyler Street south to the drive of 185 Tyler Street and then west through the ROW to private property. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Chairperson Cheney opened the public hearing for the Bennet One-and Six-Year Street Plan for 2022 at 7:33 p.m. Village Engineer Brian Schuele presented the plan. Schuele explained the streets coming with the new developments are included with the plan which will be installed at the expense of the developer. Cheney closed the public hearing at 7:46 p.m. Cheney moved and Ruzicka seconded a motion to approve Resolution 2021-9.6, a resolution adopting the Bennet One- and Six-Year Street Plan for 2022. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Chairperson Cheney opened the public hearing to hear public comment on the Special Use Permit Application filed by Boyd Batterman on behalf of Nemaha Farms, L.L.C.; Maynard A. and Barbara A. Cochrane on behalf of the Maynard A. & Barbara A. Cochrane Revocable Trust; and Dawn M. Sybrant to permit the construction of multi-family and townhouse dwelling units and private roadways in the Maximum Density Residential District (R-3) on property legally described as ALEXANDERS ADDITION TO BENNET, BLOCK 8, Lot 7 - 8 & S PT VAC ALLEY ADJ; ALEXANDERS ADDITION TO BENNET, BLOCK 5, Lot 1 - 8, & BLOCK 6 E59.25' LOTS 1 & 8 & VAC ALLEY ADJ & BLOCK 7 PT STARTING IN NE THEN S140' THEN W176' THEN N10' THEN E34' THEN N88' THEN E8' THEN N42' THEN E134.25' & BLOCK 8 LOTS 1-6 & VAC ROW & ALLEY; and THE ADJACENT VACATED ALLEY TO LOTS 7 & 8, BLOCK 8, ALEXANDERS ADDITION TO BENNET at 7:48 p.m. Engineer Dan Rosenthal with REGA Engineering Group, Inc. and legal counsel DaNay Kalkowski with Seacrest & Kalkowski, PC, LLO were in attendance representing the applicants. Several residents that reside off of Tyler Street voiced their concern about the additional traffic on Tyler Street and the hazards of people walking down the rock road. Rosenthal suggested that they work with the developer of the Cedar Brook development to the north to create a sidewalk that runs from Sweet Grass Prairie south through the

Cedar Brook development and Cochrane Corner Addition to Cottonwood Street. Cheney closed the public hearing at 8:21 p.m.

Cheney moved and Simmons seconded a motion to approve the Special Use Permit Application filed by Boyd Batterman on behalf of Nemaha Farms, L.L.C.; Maynard A. and Barbara A Cochrane on behalf of the Maynard A. & Barbara A. Cochrane Revocable Trust; and Dawn M. Sybrant to permit the construction of multi-family and townhouse dwelling units and private roadways in the Maximum Density Residential District (R-3) on property legally described as ALEXANDERS ADDITION TO BENNET, BLOCK 8, Lot 7 - 8 & S PT VAC ALLEY ADJ; ALEXANDERS ADDITION TO BENNET, BLOCK 5, Lot 1 - 8, & BLOCK 6 E59.25' LOTS 1 & 8 & VAC ALLEY ADJ & BLOCK 7 PT STARTING IN NE THEN S140' THEN W176' THEN N10' THEN E34' THEN N88' THEN E8' THEN N42' THEN E134.25' & BLOCK 8 LOTS 1-6 & VAC ROW & ALLEY; and THE ADJACENT VACATED ALLEY TO LOTS 7 & 8, BLOCK 8, ALEXANDERS ADDITION TO BENNET. Roll call vote: Cheney, Simmons, Ruzicka voted YES. Murray, Dorn voted NO. Motion failed. (Concurring vote of 2/3 of the members required)

Cheney moved and Ruzicka seconded a motion to postpone Resolution 2021-9.7, a resolution approving the Cochrane Corner Addition Preliminary Plat & Special Use Permit until the October 11, 2021 meeting. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Dorn seconded a motion to approve Resolution 2021-9.8, a resolution establishing parking restrictions along a portion of Dogwood Street west of Monroe Street. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Engineer Brian Schuele from Olsson recommended installing a fire hydrant on the 8" main at 100 Monroe Street to provide adequate fire protection for Zermatt Tool. There is currently a hydrant on the 4" main. Lovell Excavating submitted an estimate for \$7,400.00 to install the new hydrant. Utility Superintendent Ken Maahs stated that Zermatt Tool had a sprinkler system and questioned whether it was necessary to install a new hydrant on the 8" main. The Board agreed to table the topic until the October 11, 2021 meeting so Schuele could look into it.

Cheney moved and Murray seconded a motion to approve a refund to Adam Stahr for a \$500 deposit that ensured the demolition of a building was done at 185 Tyler Street. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Submitted reports included the Engineer, Sheriff's Office, Maintenance Report, and Farmers' Market.

The Clerk reported payment was received for a special assessment filed against 510 Madison in the amount of \$2,898.25.

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

Village Engineer Brian Schuele from Olsson reported that the information for the application rates for spreading of the sludge from the lagoon cleaning has been sent to the Utility Superintendent. It will require about 20 acres. The Village will need to identify interested property owners. He stated that the manholes south of Hackberry need to be crack sealed.

Schuele has been working with Attorney Austin in creating ordinances and resolutions to address infrastructure development requirements for new developments due to the vagueness of our current regulations. Our regulations refer to "a reasonable distance" which needs to be defined. It is common practice to require the developer to extend the mains to the property and along the frontage, but we need

to figure out a proper mechanism for future developers connecting to those mains to provide reimbursement. The draft ordinances and resolutions are ready to go before the Planning Commission for their review.

Presented during Communications was a poll taken by Larry Kramer during a Farmers' Market asking "What can make Bennet better?". Some of the comments received included Whispering Pine Park improvements (picnic tables with shade, trash cans at entrance, dog poop bags for those walking dogs and more seating areas), basketball court, public pool, pickle ball court, summer outdoor movies, horseshoe area for seniors, and melodramas.

Cheney moved and Justin seconded a motion to adjourn at 8:53 p.m. Roll call vote: Cheney, Simmons, Murray, Ruzicka, Dorn voted YES. Motion carried.

Michele Lincoln, CMC  
Village Clerk