

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

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday, December 9, 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.

In absence of the Chairman, Clerk Patricia Rule called the meeting to order at 7:01 p.m. and conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka, and Don Murray. Jerris Nider and Justin Dorn were absent. Murray nominated Cheney as Chair pro temp. Roll call vote; Cheney, Ruzicka, Murray voted YES. Nomination approved.

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

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

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

Proposals submitted by two firms for professional services to complete a Village wide street study were considered. The scope of services and timeline for completion were discussed. Motion by Murray, second by Cheney to accept the proposal from Kirkham Michael in the amount of \$13,900.00. Roll call vote; Murray, Cheney, Ruzicka voted YES. Motion carried.

Village Engineer Ryan Brandt noted the Village was compliant with the Waste Water Needs survey, but not on the list for a loan. He agreed to submit an application for funding for the Village for potential funding for the Waste Water Treatment Plant sludge disposal and building.

Ball field facility keys not returned by the Bennet Panther Ball Team and the lease agreement with the group was discussed. Trustees instructed the Utility Superintendent to change all door locks. The \$100.00 key deposit would be retained and future lease agreements would require a \$500.00 for use by any group.

Ordinance 2019-11.1 was introduced by reading the title: AN ORDINANCE AMENDING CHAPTER 152 OF THE CODE OF BENNET (ZONING CODE) BY ADOPTING A NEW SECTION NUMBERED § 152.026-17A DEFINING CHILD CARE; BY ADOPTING A NEW SECTION NUMBERED § 152.026-17B DEFINING CHILD CARE CENTER; BY ADOPTING A NEW SECTION NUMBERED § 152.026-25A DEFINING FAMILY CHILD CARE HOME I; BY ADOPTING A NEW SECTION NUMBERED § 152.026-25B DEFINING FAMILY CHILD CARE HOME II; BY AMENDING § 152-043 OF THE CODE OF BENNET (ZONING USE CHART) TO INCLUDE FAMILY CHILD CARE HOMES II AS PERMITTED USES IN THE A-1 AND A-2 DISTRICTS AND AS SPECIALLY PERMITTED USES IN THE R-1, R-2, AND R-3 DISTRICTS AND CHILD CARE CENTERS AS PERMITTED USES IN THE B-1 AND B-2 DISTRICTS; BY AMENDING § 152-044 TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE AGRICULTURAL DISTRICT (A-1); BY AMENDING § 152.44.5 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE RURAL RESIDENTIAL DISTRICT (A-2); BY AMENDING § 152.045 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE SINGLE FAMILY RESIDENTIAL DISTRICT (R-1); BY AMENDING § 152.046 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS PERMITTED ACCESSORY USES IN THE MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2); BY AMENDING § 152.047 OF THE CODE OF BENNET TO PERMIT FAMILY CHILD CARE HOMES I AS

PERMITTED ACCESSORY USES IN THE MAXIMUM DENSITY RESIDENTIAL DISTRICT (R-3); AND REPEALING §§ 152.043, 1152.044, 152.044.5, 152.045, 152.046 AND 152.047 AS HITHERTO EXISTING.

Motion by Cheney, second by Murray to advance Ordinance 2019-11.1 on second reading. Roll call vote; Murray, Cheney, Ruzicka voted YES. Motion carried.

Motion by Murray, second by Cheney to amend the agenda to address the issue of assessing the cost of nuisance abatement at 510 Madison Street until after 8:00 p.m. Roll call vote; Ruzicka, Murray, Cheney voted YES. Motion carried.

Motion by Ruzicka, second by Murray approving the refund of a \$500.00 damage deposit for moving a building to 185 Tyler Street. The Superintendent reported no visible damage to the streets. Roll call vote; Cheney, Ruzicka, Murray voted YES. Motion carried.

Resolution 2019-12.1 was introduced authorizing the Chairman to sign the *Year-End Certification of City Street Superintendent*. Motion by Cheney, second by Murray approving Resolution 2019-12.1. Roll call vote; Murray, Cheney, Ruzicka voted YES. Motion carried.

Emily Bausch of Olsson attended to discuss concerns for the effects of a proposed storm sewer installation draining runoff from Evergreen Place subdivision into Whispering Pines Park and on the park improvement and trail project. Bausch noted the following concerns:

1. Olsson team would prefer the storm sewer pipe off Cottonwood Court be downstream of the pedestrian bridge. It is unclear who will maintain the outlet and some erosion may occur impacting the bridge in the future. Riprap may impact aesthetics of the area and downstream would have less visual impact.
2. Riprap type and quantities were not included in the plans. The riprap should be sized for the designed storm sewer flow and velocity. Broken concrete should NOT be allowed for this project.
3. Developer should ensure that a special permit is not required for the stormwater project.
4. Additional coordination will be needed with the developer as construction appears to be open cutting across the park trail project. Is an easement for the storm sewer required?

Village attorney Bill Austin suggested the developer provide a legal description of the culvert location. Motion by Murray, second by Cheney to authorize the construction easement, subject to a proper legal description, and approved by the Village Engineer. Roll call vote; Cheney, Ruzicka, Murray voted YES. Motion carried.

Assessment of a nuisance abatement for 510 Madison Street was tabled until the January meeting of the Village Board.

In continued business, reorganization was discussed. Resolution 2019-12.2 was introduced: A RESOLUTION APPROVING APPOINTMENTS TO THE BOARD OF HEALTH, AND DESIGNATING A VILLAGE ACCOUNTANT, OFFICIAL PUBLICATIONS, AND OFFICIAL DEPOSITORIES OF VILLAGE FUNDS, AND APPOINTING A VILLAGE ATTORNEY, VILLAGE ENGINEER, AND VILLAGE CLERK/TREASURER. Motion by Cheney, second by Ruzicka approving Resolution 2019-12.2. Roll call vote; Cheney, Ruzicka, Murray voted YES. Motion carried.

Resolution 2019-12.3 was introduced: A RESOLUTION APPROVING APPOINTMENT OF A STREET SUPERINTENDENT FOR THE VILLAGE OF BENNET. Motion by Cheney, second by Ruzicka approving Resolution 2019-12.3. Roll call vote; Ruzicka, Murray, Cheney voted YES. Motion carried.

Appointment of Trustees to various Board Committees was discussed. Committees would remain the same for 2020.

Employee wages, 6-month review of Mark Tiedeman, cost of living and merit raises, and an ordinance establishing salary ranges were discussed. Resolution 2019-12.4 was introduced: A RESOLUTION ADJUSTING THE WAGES OF CERTAIN PUBLIC OFFICIALS AND EMPLOYEES OF THE VILLAGE OF BENNET. Motion by Cheney, second by Ruzicka approving Resolution 2019-12.4. Roll call vote; Murray, Cheney, Ruzicka voted YES. Motion carried.

Reports received included Treasurer, Maintenance, Sheriff, Engineer and Planning Commission.

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

Motion by Cheney, second by Murray to adjourn at 8:31 pm. Roll call vote; Cheney, Ruzicka, Murray voted YES. Motion carried.

Patricia Rule, Village Clerk