

Village of Bennet, Nebraska
Board of Trustees
Board of Adjustments
Minutes January 13, 2020

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday, January 13, 2020 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 meeting to order at 7:00 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. Trustees in attendance were Ryan Cheney, Brad Ruzicka, Justin Dorn and Don Murray. Jerris Nider 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 Ruzicka to approve minutes for the December 9, 2019 regular business meeting. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

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

Michael Hoback, CPA with AMGL, P.C. presented the audit report. He stated the books were in good shape with no findings.

Chairman Justin Dorn gave his resignation as Chairman of the Board of Trustees. Murray moved and Dorn seconded a motion to nominate Ryan Cheney as Chairman of the Board. Roll call vote; Murray, Ruzicka, Dorn, Cheney voted YES. Motion carried.

Cheney moved and Murray seconded a motion approving Resolution 2020-1.1, A RESOLUTION APPOINTING MICHELE LINCOLN AS VILLAGE CLERK/TREASURER AND HELATH BOARD MEMBER TO FILL THE UNEXPIRED TERM OF PATRICIA RULE AND ESTABLISHING HER SALARY. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried. Michele Lincoln then took the oath of office.

Murray moved and Dorn seconded a motion to thank and express deep gratitude to Patricia Rule for her many years of service as Clerk/Treasurer for the Village of Bennet. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

The Board discussed what committees they would serve on and determined the following: Personnel Committee – Cheney and Murray; Finance Committee – Dorn and Murray; Streets Committee – Murray and Nider; Utilities Committee – Nider and Ruzicka; Parks Committee – Dorn and Nider; Housing Rehab Committee – Dorn and Ruzicka; Health Board – Cheney, Michele Lincoln and Kelly Myers.

The Board agreed that Cheney and Murray would be the authorized signers for checks and other financial instruments. Cheney moved and Ruzicka seconded a motion to approve Resolution 2020-1.2, A RESOLUTION AUTHORIZING CERTAIN VILLAGE OFFICIALS TO SIGN CHECKS AND OTHER FINANCIAL INSTRUMENTS ON BEHALF OF THE VILLAGE. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Dorn moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance No. 2020-1.1. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried. Cheney moved and Murray seconded a motion to approve Ordinance No. 2020-1.1, AN ORDINANCE AMENDING SECTION 33.47 OF THE CODE OF BENNET TO REVISE SALARY RANGES OF APPOINTED VILLAGE OFFICIALS AND REPEALING SECTION 33.47 OF THE CODE OF BENNET AS HITHER TO EXISTING. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

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. Cheney moved and Ruzicka seconded a motion to approve Ordinance 2019-11.1 on the third reading. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Dorn moved and Cheney seconded a motion to approve a letter agreement with Kirkham Michael for professional services to complete a village wide street study. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Ruzicka seconded a motion to approve the new terms of lease on the Field Use Agreement for use of the Bennet ball fields increasing the deposit to \$500.00. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Cheney moved and Murray seconded a motion to approve the payment of \$141,179.50 to Constructors, Inc. for the Whispering Pines Park project. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Chad Yost with SpectrAir was not present for the update on internet service.

Rebecca Haufle with Inspro Insurance introduced Clay Peterson who will be the new agent for the Village. Clay presented the annual insurance coverage update. Cheney moved and Ruzicka seconded a motion to approve the updated insurance policy and payment with Inspro. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

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

Cheney moved and Murray seconded a motion to approve the Treasurer's Report for January 2020 Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Under communications Bruce Stahr spoke with the Board about moving the old depot and asked about getting temporary no parking signs along the route. The Board suggested he notify the property owners of his plan and that he could put up temporary no parking signs and then remove the signs afterwards.

Motion by Cheney, second by Dorn to adjourn at 8:07 pm. Roll call vote; Cheney, Murray, Ruzicka, Dorn voted YES. Motion carried.

Chairman Ryan Cheney called the Board of Adjustments meeting to order at 8:11 p.m. and announced the location of the Open Meetings Act posted near the entrance of the room for access by the public. Patricia Rule conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka,

Justin Dorn and Don Murray. Jerris Nider 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.

Mason Favinger filed application for a variance to permit a new home to extend into the required 20-foot setback on property legally described as Block 4, Lots 7-9, Clarks Addition to Bennet, commonly known as 470 Jackson Street. Mr. Favinger would like to build his new home 7' from the property line, but he said that he could make a 10' setback work. His concern is getting out of the waterway so that the basement will not flood. The Board agreed that they would need to see an exact site plan and have a legal survey of the property done. Attorney Austin suggested if approved they may want to consolidate the lots by filing a resolution with the Register of Deeds noting that parcel may not be divided or sold separately. The Board of Adjustments will reconvene next month. Cheney moved and Dorn seconded a motion to adjourn at 8:47 pm.

Michele Lincoln, Village Clerk