

**Village of Bennet, Nebraska**  
**Board of Trustees**  
**Minutes October 12, 2020**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday October 12, 2020 at 8:00 p.m., at the Bennet American Legion Hall, 970 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 Ryan Cheney called the meeting to order at 8:00 p.m. and announced the location of the Open Meetings Act. Village Clerk Michele Lincoln conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka, Jerris Nider, Justin Dorn. Absent; Don Murray. A quorum being present and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Dorn moved and Nider seconded a motion to approve minutes for the September 28, 2020 Special Meeting for Budget Hearings. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

A list of claims was considered with the additions for a payment to Lovell Excavating and NMC Nebraska Machinery. Dorn moved and Cheney seconded to approve the claims for payment. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Dorn moved and Cheney seconded a motion to approve the third reading of ORDINANCE 2020-8.1, AN ORDINANCE AMENDED THE OFFICIAL ZONING MAP OF THE VILLAGE OF BENNET, NEBRASKA, ATTACHED TO AND MADE A PART OF CHAPTER 152 OF THE CODE OF BENNET BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN THEREON BY TRANSFERRING PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF COTTONWOOD AND TYLER FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MAXIMUM DENSITY RESIDENTIAL DISTRICT. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

The Board reviewed estimates from Vasa Construction, Inc. for electrical work and repairs to the Gazebo at Bennet Park. Dorn moved and Cheney seconded a motion to approve the estimate for electric work at Bennet Park in the amount of \$1,735.00. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried. The Board agreed that they could not approve the estimate for gazebo repairs in the amount of \$12,240.00 since it was over budget.

John Hippen and Owen Ramaekers came before the Board to request approval to proceed with their purposed disc golf course plan in Whispering Pines Park. Trustee Dorn stated that he had walked the course with the boys and said their plan stays clear of crossing the walking path as much as possible. There was some discussion regarding the concrete slabs for the tee boxes and whether they would differ from the intent of the park to be a native grass setting. They questioned whether the slabs could be 3' x 5' versus the purposed 4' x 10'. Hippen and Ramaekers have been approved for two \$1,000 Youth Entrepreneur Grants from BACFF which will be matched by the Nebraska Community Foundation. Cheney moved and Dorn seconded a motion to generally approve the concept of installing a disc golf course in Whispering Pines Park as purposed by John Hippen and Owen Ramaekers subject to the completion of fundraising to fund the project. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Dorn moved and Ruzicka seconded a motion to approve the second reading of Ordinance 2020-9.1, AN ORDINANCE AMENDING §33.48 OF THE CODE OF BENNET BY INCREASING THE SALARIES PAID TO THE TRUSTEES TO \$200.00 A MONTH FOR TRUSTEES AND \$300.00 A MONTH FOR THE CHAIRMAN WITH \$100 PER MONTH FOR TRUSTEES FOR EACH SPECIAL MEETING ATTENDED; AND REPEALING §33.48 OF THE CODE OF BENNET AS HITHERTO EXISTING, AND PROVIDING AN OPERATIVE DATE. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Tom Bliss with the SENDD (Southeast Nebraska Development District) explained the services that SENDD could provide to Bennet. Some of the services they can provide are housing rehabilitation programs for landlords and homeowners, grant writing, business and industry financing, assist with a variety of studies and plans, and economic development programs. He stated that there are funds available right now for landlords to rehab rental units.

Tim Keelan with Hanna-Keelan Associates, P.C. had submitted a proposal to conduct a Blight and Substandard Determination Study and General Redevelopment Plan for the Village of Bennet. This is something that the Planning Commission and Transition Team had discussed with Mr. Keelan. TIF (Tax Increment Financing) is a funding tool that can be used for economic and community development in blighted areas after a Blight and Substandard Determination Study and a Redevelopment Plan has been developed. Villages have the authority to blight 100% of the community whereas cities of the second class can only blight 50% of the community. The Board felt like they did not have enough information and decided to invite Tim Keelan to further explain the blight designation and use of TIF funds at the next board meeting.

Larry Kramer with the BACFF (Bennet Area Community Foundation Fund) came to the Board to request permission to use the Bennet Park for the First Annual Christmas-in-the-Park event November 28, 2020 from 5 to 9 p.m. Cheney moved and Nider seconded a motion to approve the BACFF First Annual Christmas-in-the-Park November 28, 2020 from 5 to 9 p.m. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Cheney moved and Ruzicka seconded a motion to approve Resolution 2020-10.1, a Resolution establishing a tobacco free policy for village parks. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

The Board discussed whether we should resume taking reservations for the parks and ballfields. They agreed that although they do not consider the parks and ballfields closed; at this point we will not be opening the restrooms or taking reservations.

Cheney moved and Nider seconded a motion to approve Change Order #1 with Olsson for the Whispering Pines Park project to increase the Contract Sum by \$4,289.00 to allow for the installation of a drain basin to address a drainage issue along the walking path. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

The Board discussed the plans for the annual Halloween Hotdog Feed. Administrative Aide Marlene Sturdy gave a report of the supplies on hand and the remaining cash donations needed.

Bruce Forbes of 1095 came to the Board to discuss the alterations to the stream and removal of live trees between Cottonwood and Hackberry Streets that was done Sunday, September 6<sup>th</sup> by developer Mark

Schmidt. He stated that he purchased the property because it backed up to the stream and he was concerned about the survival of the remaining trees and the preservation of the creek. He questioned what oversight was in this matter and what assurance there was that the waterway and trees would be protected from destruction. Mark Schmidt, the developer of the Evergreen Place First Addition, addressed the Board and the public. He stated that a Storm Water Prevention Plan was filed and approved and NDEE has inspected it. Brush, dead trees and trees causing silting in the waterway have been removed. He has replaced four trees and plans on replacing four more. Schmidt stated that Mr. Forbes currently is encroaching onto his property with various items and submitted pictures as such documentation. Forbes said he is having a survey done and will remove any items that are encroaching on his property. Mr. Schmidt also took the opportunity to submit pictures of the work that has been done on the waterway and formerly requested that the Village takes measures to remove the silt and volunteer trees on the north side of the box culvert that goes underneath Cottonwood Street.

The Clerk reported that she had attended the Lancaster County One- and Six-Year Public Hearing and requested that the County work with us on establishing an Interlocal Agreement for road maintenance on Tyler Street from Cottonwood Street north to the corporate limits and on Cottonwood Street from Tyler Street east to the corporate limits. She will get together with the Assistant County Engineer Larry Legg to work on an Interlocal Agreement.

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

The Clerk reported that correspondence had been received from Wayne Scritchfield with Kirkham Michael regarding the sledge press. He reported that the EPA and NDEE had a difference in opinion as to the plan of action. He will be meeting with Village officials to review our options.

Code Enforcement Officer Marlene Sturdy reported that there was significant improvement regarding the nuisance issues at 290 Monroe Street.

Cheney moved and Dorn seconded a motion to adjourn at 10:06 pm. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Michele Lincoln, CMC  
Village Clerk