The Bennet Board of Trustees (the “Board”) of the Village of Bennet, Nebraska (the “Village”) held a regular business meeting on Monday February 10, 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 Statures 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 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 Michele Lincoln conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka, Don Murray and Jerris Nider. Justin Dorn 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.

Ruzicka moved and Murray seconded a motion to approve minutes for the January 13, 2020 regular business meeting. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

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

The Board discussed whether armor coating the streets would be an option to improve the street quality until the street study is done. Utility Superintendent Ken Maahs stated that 85% of the expense of armor coating is the patching and some of the streets like Tyler would not hold up to the heavy traffic. City Engineer Ryan Brandt with Kirkham Michael stated that armor coating will not last five years. Nider stated he would like to get a cost of armor coating Garden Street.

Ryan Brandt, the City Engineer with Kirkham Michael, explained to the board the changes in the filing requirements for the One-and Six-Year Street Plan. It is no longer required to be filed with the State, but we still need to have it for our records. It is recommended that the One-and-Six Year Street Plan be completed while working on the budget. Ryan stated we would no longer have to pay the annual contract fees with Kirkham Michael. The Department of Transportation now requires forms to be submitted twice a year.

Ruzicka moved and Nider seconded a motion to approve Resolution 2020-2.1, a resolution appointing members to the Farmer’s Market Advisory Committee. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried. The members appointed were Larry Kramer, Pam Bulin, Patricia Rule and Michele Lincoln.

Barb Cochrane addressed the Board with requests from the Bennet Area Historical Society. They are interested in acquiring the old county maintenance building to use as a place to house and display artifacts of the history and growth of the Bennet area. The county will by auctioning the building off in the near future and they were hoping the Village could purchase the building and then sell or lease to the Historical Society. Attorney William Austin stated that it was unconstitutional to loan or donate its credit to private parties. Barb said the Historical Society would like to publish a 150-year Bennet book that would include the history of families and businesses. They would like to use information found online from the City of Bennet website and county websites and questioned whether there would be any copywrite issues. Attorney Austin stated that they would need to get permission from each entity that posted the information. Barb mentioned that the Historical Society was interested in having a community bingo game with a meal served following it, but since they are a 501(c)(3) organization they could not sponsor any gambling. Barb invited a representative from the Village to attend the next Historical Society Meeting to be held on February 17th. (The date was later corrected to the 18th)

Cheney moved and Murray seconded a motion to approve an addendum to an existing “License Agreement For Fiber Optic Cables” with Unite Private Networks to allow the extension of buried fiber optic cable within the right of way along the east side of Jefferson Street (starting south of Birch Street, to the north side of Apple Street, and west past the City Limits). Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Ruzicka moved and Murray seconded a motion to approve Resolution 2020-2.2, a resolution approving a request by Windstream, INC to occupy right-of-way within the corporate limits of Bennet as detailed in work Order #715092556;OSP-16013 (from Monroe and Fir to Garden, Garden east to Harrison). Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Ruzicka moved and Nider seconded a motion to approve Resolution 2020-2.3, a resolution approving a request by Windstream, INC to occupy right-of-way within the corporate limits of Bennet as detailed in Work Order #71500008100003;OSP-16924 (Cottonwood and Tyler north on Tyler for 360’). Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Larry Kramer from the Bennet Area Community Foundation presented the Board with a report of their activities in 2019 and ideas and proposals for 2020. They would like to plant a 6’ Christmas tree in the park for a “Christmas in the Park” festival the weekend after Thanksgiving. This could be a kick off for the Bennet Sesquicentennial in 2021. Utility Superintendent Ken Maahs mentioned that the restrooms will already have been winterized since there is no heat in the building. The Board agreed to have the Parks Committee, Justin Dorn and Jerris Nider, assess the purposed location and report back. Larry also mentioned that the clean-up day is scheduled for April 25th.

Chairman Cheney opened the public hearing at 7:50 p.m. to receive public comment in favor of, or in opposition to, a Special Use Permit application filed by Michele Ray on behalf of Empire Leasing Group, LLC, to allow a Multi-family dwelling (3-plex) to be located at 360 Elm Street (Lot 5-6, Block 16, Roggenkamps Addition to Bennet). The public hearing was closed at 8:00 p.m. Cheney moved and Murray seconded a motion to postpone taking action on the application filed by Michele Ray on behalf of Empire Leasing Group, LLC, to allow a Multi-family dwelling (3-plex) to be located at 360 Elm Street (Lot 5-6, Block 16, Roggenkamps Addition to Bennet) until the March meeting when the application is accompanied with a site plan. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Reports received included Treasurer, Maintenance, Sheriff, Engineer, Planning Commission and Farmers Market. Cheney moved and Ruzicka seconded a motion to approve the Treasurer’s Report for February 2020. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Cheney moved and Murray seconded a motion to adjourn at 8:14 p.m. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Chairman Ryan Cheney called the Board of Adjustments meeting to order at 8:14 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 conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka, Jerris Nider and Don Murray. Justin Dorn 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. Ruzicka moved and Murray seconded a motion to approve Resolution 2020-2.5, a resolution approving a variance to permit the encroachment of a new main structure into a required front yard at 470 Jackson Street. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

Cheney moved and Ruzicka seconded a motion to adjourn at 8:25 pm. Roll call vote: Cheney, Murray, Ruzicka, Nider voted YES. Motion carried.

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Michele Lincoln, Village Clerk