The Bennet Board of Trustees (the “Board”) of the Village of Bennet, Nebraska (the “Village”) held a regular business meeting on Monday March 15, 2021 at 7:00 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 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 7:01 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, Don Murray, Justin Dorn, Pete Simmons. 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 Simmons seconded a motion to approve minutes for the February 8, 2021 regular meeting. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

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

Village Engineer Brian Schuele from Olsson stated we were working on the final plan and budget for the Street Improvement Project. The Street Open House February 22nd was well attended and well received. He presented a design plan for the downtown area that could coincide with our downtown revitalization idea. The design would add an aseptic appeal incorporating a median with plantings and parallel parking for an additional $20,000. The board was concerned that the parallel parking would limit the parking stalls and with several of the businesses being industrial in nature it could incumber their delivery trucks.

Cheney moved and Ruzicka seconded a motion to approve an amendment to the Street Improvement contract with Olsson for Topographic Survey and NDOT Permitting. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

Village Engineer Brian Schuele from Olsson reported that the final report was being prepared for the Water Model. Some of the improvement recommendations will include an 8” main north of Cottonwood up to Sweetgrass Prairie to connect on Tyler Street. The elevations at Cottonwood and Tyler should be good for water pressure. These capital improvements scheduled out will plug in with the anticipated developments.

Village Engineer Brian Schuele from Olsson reported that Justin Stark from Olsson has been working on the sludge removal from the Wastewater Treatment Plant. It may require up to 130 acres for proper land application. The Village will coordinate with adjacent or nearby landowners for agreement to apply. A sludge sample will need to be taken for testing and determination of application rate. This will need to be done after the first harvest. The contract with Olsson for Lagoon Cleaning and Land Application of Liquid Biosolids will be on the April agenda for approval.

Michael Hoback with AMGL, P.C. presented the audit report for fiscal year 2019/2020. He noted that Bennet maintains a good cash reserve. Hoback emphasized the need to review the water, sewer and trash rates for possible increases.

Randal Weber, the owner of Randal Weber Custom Woodworking at 375 Fir, requested an extension for maintaining a shipping container on his property. Weber explained that he had a big job for the State of Nebraska Historical Society and that the shipping container was housing windows to be restored for the project. He stated that it should be empty by June 15th. There was some discussion about having him request an amendment to the zoning regulations to extend the timeframe on exceptional circumstances.

Chairman Cheney opened the Public Hearing to receive public comment in favor of, or in opposition to approval of amending the Bennet Subdivision Regulations Chapter 151 and Zoning Code Chapter 152 to allow the use of private roadways by special use permit and platted into outlots with public access easements and to adopt design standards for private roadways at 7:55 p.m. Boyd Batterman, his attorney Danay Kalkowski, and engineer Dan Rosenthal were in attendance to support the request. They explained that Nemaha Farms L.L.C. had a contract interest in several lots within Block 5, 6, 7 and 8, Alexander’s Addition to Bennet and would like to develop a residential project with private roadways for public access. Private roadways allow more flexibility for developing unique pieces of property. Ongoing maintenance of the private roadway would be the homeowner’s association obligation. The suggested design standards were patent after the City of Lincoln. Cheney closed the Public Hearing at 8:05 p.m.

Chairman Cheney introduced Ordinance 2021-3.1, AN ORDINANCE AMENDING CHAPTER 151 OF THE CODE OF BENNET (SUBDIVISION REGULATIONS) BY AMENDING SECTION 151.009 (DEFINITIONS) TO INCLUDE DEFINITIONS OF THE TERMS “OUTLOT” AND “PRIVATE ROADWAY;” BY AMENDING SECTION 151.028 (MINOR SUBDIVISION REPLAT), SECTION 151.045 (PRELIMINARY PLAT), SECTION 151.046 (FINAL PLAT) AND SECTION 151.061 (CONFORMANCE TO THE STREET PLAN) TO PROVIDE REFERENCES IN THOSE SECTIONS TO PRIVATE ROADWAYS; BY AMENDING SECTION 151.066 (LOT ACCESS) TO RECOGNIZE THAT LOTS MAY TAKE ACCESS FROM A PUBLIC STREET OR PRIVATE ROADWAY WITH PUBLIC ACCESS; BY AMENDING SECTION 151.069 (EASEMENTS) TO PROVIDE A REFERENCE TO PRIVATE ROADWAYS; BY ADDING A NEW SECTION 151.075 (PRIVATE ROADWAYS) TO PROVIDE THAT PRIVATE ROADWAYS INCLUDED WITHIN ANY SUBDIVISION MUST MEET THE ADOPTED PRIVATE ROADWAY DESIGN STANDARDS; BY AMENDING SECTION 151.090 (GRADING) AND SECTION 151.110 (STREET PLAN) TO INCLUDE REFERENCES TO PRIVATE ROADWAYS; AND REPEALING §§ SECTIONS 151.009, 151.028, 151.045, 151.046, 151.061, 151.066, 151.069, 151.090 AND 151.110 OF THE CODE OF BENNET AS HITHERTO EXISTING. Cheney moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance 2021-3.1. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried. Cheney moved and Murray seconded a motion to approve Ordinance 2021-3.1. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

Chairman Cheney introduced Ordinance 2021-3.2, AN ORDINANCE AMENDING CHAPTER 152 OF THE CODE OF BENNET (ZONING CODE) BY AMENDING SECTIONS 152.005 (REGULATIONS APPLICATION; USE), 152.026-11 (BLOCK), 152.026-39 (LOT), 152.026-52 (PARKING LOT), 152.026-53 (PARKING SPACE), AND 152.026-65 (TOWNHOUSE) BY PROVIDING REFERENCES TO PRIVATE ROADWAYS IN THOSE SECTIONS; BY ADDING A NEW SECTION 152.026-51.5 TO PROVIDE A DEFINITION OF “OUTLOT;” BY ADDING A NEW SECTION 152.026-53.5 TO PROVIDE A DEFINITION OF “PRIVATE ROADWAY;” AND BY ADDING A NEW SECTION 152.093.5 TO PROVIDE THAT LOTS MAY FRONT UPON A PRIVATE ROADWAY IN ANY ZONING DISTRICT IF SAID LOTS ARE IN THE AREA OF AN APPROVED SPECIAL USE PERMIT; AND REPEALING §§ 152.005, 152.026-11, 152.026-39, 152.026-52, 152.026-53 AND 152.026-65 OF THE CODE OF BENNET AS HITHERTO EXISTING. Cheney moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance 2021-3.2. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried. Cheney moved and Dorn seconded a motion to approve Ordinance 2021-3.2. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

Cheney moved and Murray seconded a motion to approve Resolution 2021-3.1, a resolution approving private roadway design standards for all private roadways located within the Village of Bennet or within the zoning jurisdiction of the Village. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

Chairman Cheney opened a public hearing to hear public comment in favor of, or in opposition to approval of amending section 152.049 of the Code of Bennet relating to the Central Business District (B-2) regulations by including dwellings as a specially permitted use under certain conditions and repealing §152.049 of the Code of Bennet as hitherto existing. Cheney closed the hearing at 8:19 p.m. Chairman Cheney introduced Ordinance 2021-3.3, AN ORDINANCE AMENDING SECTION 152.049 OF THE CODE OF BENNET RELATING TO THE CENTRAL BUSINESS DISTRICT (B-2) REGULATIONS BY INCLUDING DWELLINGS AS A SPECIALLY PERMITTED USE UNDER CERTAIN CONDITIONS AND REPEALING § 152.049 OF THE CODE OF BENNET AS HITHERTO EXISTING. Ruzicka moved and Simmons seconded a motion to waive the three-reading rule for Ordinance 2021-3.3. Roll call vote: Cheney, Ruzicka, Dorn, Simmons voted YES. Murray voted No. Motion carried. Cheney moved and Ruzicka seconded a motion to approve Ordinance 2021-3.3. Roll call vote: Cheney, Ruzicka, Dorn, Simmons voted YES. Murray voted No. Motion carried.

Cheney moved and Dorn seconded a motion to approve Resolution 2021-3.2, a resolution appointing members to the Farmers’ Market. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

Dave Pool represented the Bennet Ball Club to request a new scoreboard for the ballfield. The cost would be around $14,000 plus the cost for installation. The Bennet Ball Club will donate $4,000 towards the scoreboard and would like the Village to fund the remainder. Pool will check into the installation cost and the Clerk will evaluate the budget to see if the Village can justify spending the funds now. This agenda item will be readdressed at the April meeting.

The Clerk requested clarification from the Board regarding reservations for the ballfield. The Board agreed that reservations should be limited to Bennet residents and not outside teams.

The Board discussed the new maintenance shop and the construction timeline. Trustee Simmons suggested that we pour the concrete slab so we are ready to purchase the building when the steel prices come down. The Village Engineer Brian Schuele commented that we would need final building plans prior to pouring the concrete and to have the bid specs ready. He will contact the architect and get a final set of plans.

Trustee Simmons purposed that the Board of Trustees start the meetings with the Pledge of Allegiance. The Board agreed.

The Board discussed the Recycling Center and the excessive use by non-residents. With recycling sites in surrounding communities shutting down our site has seen a significant increase. The roll-offs fill in two days and then people tend to dispose of their recycling on the ground creating additional work for the employees. Residents are getting frustrated at constantly finding it full. To limit use strictly for Bennet residents it would need to be monitored which would require revamping the layout of the dump site or hiring additional personnel. A grant application was submitted to the Nebraska Environmental Trust to assist in the funding of the Recycling Center; award notification is expected in April. The Trustees will strategize on possible solutions and revisit the subject at the next meeting.

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

Submitted reports included the Engineer’s Report, Sheriff’s Office, and Maintenance Report.

Josh Buck, Planning Commission Chair, reported the Planning Commission is recommending the Board of Trustees seek a consultant to assist with the updating of zoning and subdivision regulations.

Code Enforcement Officer/Administrative Aide Marlene Sturdy reported the following:

* Building permits have been pulled for repairs of the home deemed as an unsafe building at 610 Cottonwood. The shingles from the porch on the south side were removed and the porch was covered with a tarp. The sixty days to abate the unsafe building and nuisance will expire March 30th. She would like to invite the homeowner and/or contractor to the next meeting for a progress update.
* The town cleanup day will be May 1st. We have been approved for two grants to assist with the expense of the cleanup day.
* The Bennet Garage Sales will be June 4th through the 6th.
* Kurt Kontor, the owner of Big Ten Tavern, offered to get bands for the 150 Year Celebration. The bands will play July 2nd and 3rd.

Larry Kramer reported on the status of the Farmers’ Market. The market will run from May 5th through September 29th on Wednesday nights from 4 – 7 pm. In an effort to abide by the Health Directives for Farmers’ Markets the vendor stalls will be aligned parallel to the street to increase the distance between vendors. He anticipates 12 vendors participating this year.

Cheney moved and Dorn seconded a motion to adjourn at 9:36 pm. Roll call vote: Cheney, Ruzicka, Murray, Dorn, Simmons voted YES. Motion carried.

Michele Lincoln, CMC

Village Clerk