

Village of Bennet, Nebraska
Board of Trustees
Regular Meeting
Minutes May 11, 2020

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday May 11, 2020 at 8:00 p.m. Pursuant to Governor Rickett's Executive Order No. 20-03 issued on March 17th, 2020, this meeting was held by video/telephone conference, 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 8:02 p.m. and announced the Open Meetings Act was posted on the host computer to be viewed on participant monitors. Village Clerk Michele Lincoln conducted roll call. Trustees participating were Ryan Cheney, Brad Ruzicka, Jerris Nider, Justin Dorn and 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.

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

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

Ryan Brandt with Kirkham Michael reported that the street study was complete. They valued each street using lane miles, pavement conditions, drainage and usage. The list of priorities included Bennet Road, Tyler and Jefferson Street. The plan includes cost estimates for overlays on existing streets, maintenance for better streets and various funding mechanisms. Reviewing the plan will be on the agenda for the next regular meeting.

The progress of the Whispering Pines Park project was discussed. The bridge has been installed and the path is almost complete. The path will be completed after the adjacent developer runs his storm sewer through the uncompleted portion. Planting for the plants through the Greener Towns Plant Grant will be done May 27th with June 2nd as a rain date.

The board briefly discussed the status of the Coronavirus (COVID-19) situation. As of 4:00 p.m. that day the 68317-zip code was still not showing any positive cases. It was mentioned that the Village Office should remain closed for another month. The Board agreed that we need to continue to follow the CDC guidelines and state health directives.

Cheney moved and Dorn seconded a motion to approve Resolution 2020-5.1 to approve the Nemaha Ridge First Addition Preliminary Plat contingent on the passage of an ordinance amending section 152.026-45 relating to lot width and 152.044.5 amending the A-2 Zoning District to a lot width of 175' and limiting the minimum front yard requirement to a depth not less than 50'. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Murray moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance 2020-5.1. Roll call vote: Ruzicka, Nider, Dorn, Murray voted YES. Cheney abstained. Motion carried.

Dorn moved and Murray seconded a motion to approve Ordinance #2020-5.1, AN ORDINANCE AMENDING SECTION § 90.08 OF THE CODE OF BENNET BY DELETING SUBSECTION C THEREOF THAT REQUIRES SCREENING OF ENTRYWAYS ON BUILDINGS, STRUCTURES OR TENTS FROM WHICH FIREWORKS ARE SOLD; AND REPEALING § 90.08 OF THE CODE OF BENNET AS HITHERTO EXISTING. Roll call vote: Ruzicka, Nider, Dorn, Murray voted YES. Cheney abstained. Motion carried.

A tort claim was received from Moses Ulmer of 605 Van Buren Street for damage due to sewage backup to be reimbursed for the \$4,873.59 repair expense out of his pocket. Cheney moved and Dorn seconded a motion to submit the tort claim received from Moses Ulmer of 605 Van Buren Street for damage due to sewage backup to the village insurance carrier. Roll call vote: Ruzicka, Nider, Dorn, Murray, Cheney voted YES. Motion carried.

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

Cheney moved and Dorn seconded a motion to adjourn at 9:08 p.m. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Chairman Ryan Cheney called the Board of Adjustments meeting to order at 9:09 p.m. and announced the Open Meetings Act was posted on the host computer to be viewed on participant monitors. Michele Lincoln conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka, Jerris Nider, Don Murray and Justin Dorn. A quorum being present and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Zachary and Elizabeth Volker filed a variance for relief from the strict application of zoning requirements for property legally described as CLARKS ADDITION TO BENNET, BLOCK 3, Lot 4, EX N11' & LOTS 5 & 6, commonly known as 470 Elm Street. Mr. & Mrs. Volker request a variance to erect a front yard fence that exceeds 4 feet in height in the 20-foot front setback required in the R-3 Maximum Density Residential District. Attorney Austin pointed out that the front yard fence was also not to be constructed of material that obstructed public view. Cheney moved and Ruzicka seconded a motion to postpone the variance request until the June meeting to allow the Volker's to amend their variance request. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Cheney moved and Dorn seconded a motion to adjourn at 9:39 pm. Roll call vote: Cheney, Murray, Ruzicka, Nider and Dorn voted YES. Motion carried.

Michele Lincoln, Village Clerk