

Village of Bennet, Nebraska
Board of Trustees
Board of Adjustments
Minutes June 8, 2020

The Bennet Board of Trustees (the “Board”) of the Village of Bennet, Nebraska (the “Village”) held a regular business meeting on Monday June 8, 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, Don Murray, Jerris Nider, 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.

Ruzicka moved and Nider seconded a motion to approve minutes for the May 11, 2020 regular business meeting. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

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

City Engineer Ryan Brandt with Kirkham Michael presented the street study. The street study included a Street Field Condition Evaluation, Recommendations for Street Improvements and Opinions of Probable Costs for Recommended Improvements. This will provide a good resource as the Village prioritizes street improvements.

Ryan Brandt, the City Engineer with Kirkham Michael, reported on the plans for the sludge press. He is waiting to hear back from the Water/Wastewater Advisory Committee regarding funding recommendations. The application will be reviewed and recommendations provided to Ryan prior to the next meeting.

The progress of the Whispering Pines Park project was discussed. The plants received from the Greener Towns Plant Grant were planted on June 2nd by volunteers from the community, Bennet Community Builders Association, members of the Board of Trustees and the employees. Thank you for everybody’s help. The board discussed running a water line across the park for watering future plantings. A new project was created during the Capital Improvement Plan workshop prior to this meeting. The Board discussed the delay in pouring the final patch of the walking path due to the developer of the adjacent Evergreen Place First Addition not completing his storm drain yet. The Board agreed that the contractor had ample time to complete this and we could no longer delay completing our project. Trustee Murray offered to contact the developer giving him a deadline of June 22nd to run the storm drain. We will direct Olsson to continue with pouring the final part of the walking path at that time.

The board discussed the status of the Coronavirus (COVID-19) situation and how we should address the planned community events and reservations of municipal property. Cheney moved and Murray seconded a motion to close the Farmers' Market for the 2020 season. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried. With not knowing what the health directives will be for Halloween the board agreed to not have the office personnel seek donations for the annual Halloween Hot Dog Feed, but they are not cancelling it at this time. The splash pad will remain closed for the season. The ballfields and park shelter will not be available for reservation through the end of June.

Cheney opened the public hearing at 8:39 p.m. to receive public comment on amending section 152.026-45 of the Code of Bennet relating to "lot width" to define the building line; amending section 152.044.5 of the Code of Bennet relating to the Rural Residential (A-2) Zoning District by reducing the minimum width of a lot from 250 feet to 175 feet and by limiting the minimum front yard requirement to a depth of not less than 50 feet; and repealing §§ 152.026-45 and §§ 152.044.5 of the Code of Bennet. Mike Eckert, with Civil Design Group, Inc. explained the reason for the request was to make our requirements more in align with the Lancaster County regulations. Public comment was received opposed to the purposed change of zoning requirements. He also reflected on zoning changes made in previous years that was snuck in with the waiving of the three-reading rule. There being no further public comment Cheney closed the public hearing at 8:52 p.m.

Cheney moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance #2020-6.1, an ordinance amending section 152.026-45 of the Code of Bennet relating to "lot width" to define the building line; amending section 152.044.5 of the Code of Bennet relating to the Rural Residential (A-2) Zoning District by reducing the minimum width of a lot from 250 feet to 175 feet and by limiting the minimum front yard requirement to a depth of not less than 50 feet; and repealing §§ 152.026-45 and §§ 152.044.5 of the Code of Bennet. Roll call vote: Ruzicka, Dorn voted YES. Cheney, Murray, Nider voted NO. Motion failed.

Dorn moved and Ruzicka seconded a motion to approve the first reading of Ordinance 2020-6.1, an ordinance amending section 152.026-45 of the Code of Bennet relating to "lot width" to define the building line; amending section 152.044.5 of the Code of Bennet relating to the Rural Residential (A-2) Zoning District by reducing the minimum width of a lot from 250 feet to 175 feet and by limiting the minimum front yard requirement to a depth of not less than 50 feet; and repealing §§ 152.026-45 and §§ 152.044.5 of the Code of Bennet. Roll call vote: Ruzicka, Dorn, Cheney voted YES. Murray, Nider voted NO. Motion carried.

Cheney moved and Dorn seconded a motion to postpone the review and action on Nemaha Ridge Addition Final Plat until the ordinance amending the Code of Bennet relating to "lot width" to define the building line, reducing the minimum width from 250 feet to 175 feet and limiting the minimum front yard requirement to depth of not less than 50 feet in the Rural Residential (A-2) Zoning District is approved. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

Ruzicka moved and Dorn seconded a motion to pass Resolution 2020-6.1, a resolution authorizing a pay increase for part-time/seasonal maintenance. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

The Board of Trustees discussed hiring an additional employee that would focus on nuisance abatement and perform as an administrative aide to the Village Clerk. The Village Clerk will create a job description for the Personnel Committee's review and approval and the Personnel Committee will figure out a wage range. The resolution establishing the position and wage range will be on the agenda for the next meeting.

Cheney moved and Dorn seconded a motion to authorize the Chairman to sign a lease agreement as presented with minor changes with the Bennet American Legion Post #280 for leasing space to hold the regular board meetings until the health directive requiring the 6 feet social distancing is lifted. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

Dorn moved and Murray seconded a motion to approve the Chairman to sign a lease agreement for a new office printer/copier. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

Murray moved and Ruzicka seconded a motion to approve Resolution 2020-6.2 to adopt the Lower Platte South Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update. Roll call vote: Cheney, Murray, Ruzicka, Nider, Dorn voted YES. Motion carried.

Cheney moved and Ruzicka 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 9:27 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 9:28 p.m. and announced the Open Meetings Act. 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 materially obstructs public view and that exceeds 4 feet in height in the 20-foot front setback required in the R-3 Maximum Density Residential District. Cheney moved and Murray seconded a motion to approve Resolution 2020-6.3, a resolution approving a variance to permit the installation of a fence in the required front yard that obstructs public view and is in excess of 4 feet in height in the R-3 Maximum Density Residential District at 470 Elm Street. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Cheney moved and Dorn seconded a motion to adjourn at 9:35 pm. Roll call vote: Cheney, Murray, Ruzicka, Nider and Dorn voted YES. Motion carried.

Michele Lincoln, Village Clerk