

**Village of Bennet, Nebraska
Board of Trustees
Minutes August 10, 2020**

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday August 10, 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 August 3, 2020 Special Meeting/Budget Workshop. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

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

The 2021 Sesquicentennial Celebration was discussed. Lillie Chambers with the Celebrate Bennet Committee was available for discussion. She suggested that the Board create an advisory committee to plan and execute the celebration and that they also budget funds for the celebration. There are only six people on the Celebrate Bennet Committee, and they would be unable to absorb additional events for a larger celebration but would be willing to work with the advisory board. She had a lengthy list of possible events and activities that could be part of the celebration. The Board agreed to have two Trustees serve on the Sesquicentennial Celebration Advisory Committee and to include \$10,000 in the budget for the celebration expense.

Ryan Brandt, the City Engineer with Kirkham Michael, was unable to attend the meeting. He provided notice that he is still waiting to hear back from the Water/Wastewater Advisory Committee regarding funding recommendations for the sludge press.

There were no updates on the status of the Whispering Pines Park issues, although the staff did spend a couple hours weeding the new plantings and the boy scouts were scheduled to assist with adding more mulch.

Cheney moved and Ruzicka seconded a motion to approve 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, Nider voted YES. Motion carried.

Dorn moved and Cheney seconded a motion to approve resolution 2020-8.1, a resolution accepting and approving the plat designated as Nemaha Ridge First Addition, filed in the office of the Village Clerk/Treasurer of the Village of Bennet, Nebraska, upon certain conditions herein specified and providing for sureties conditioned upon the strict compliance with such conditions. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted yes. Motion carried.

Carl Abbott, Dan Patton, and Jeff Kohrs with Nebraska City Utilities attended the meeting to inform the Board and the public about power line construction and upgrades that will be taking place between Unadilla and Bennet. They are building twelve new miles of power lines to improve capacity. They reported that wildlife is responsible for many power outages, so they are wrapping poles and installing wildlife coverups to prevent those occurrences. They will also be aggressively trimming trees around the power lines. The contractors will be starting October 12th.

A Public Hearing was held to hear public comment regarding a request from Joshua Buck to change the zoning designation of Lots 1-4, Deer Trail Valley and S2,T8,R8 Lot 26 SW from (R-1) Single Family Residential to (R-3) Maximum Density Residential. Chairman Cheney opened the Public Hearing at 8:42 P.M. Buck explained that this is the only small section of R-1 zoning designation within the Village. He would like to develop a 55 and older development with townhomes which is a need that was addressed in the Comprehensive Plan and through public surveys. The Public Hearing was closed at 8:59 p.m. Cheney moved and Ruzicka seconded a motion to waive the three-reading rule for Ordinance #2020-8.1, an ordinance to change the zoning designation of Lots 1-4, Deer Trail Valley and S2,T8,R8 Lot 26 SW from (R-1) Single Family Residential to (R-3) Maximum Density Residential. Roll call vote: Cheney, Ruzicka, Dorn voted YES. Nider voted NO. Motion failed. Cheney moved and Dorn seconded a motion to approve the first reading of Ordinance 2020-8.1, an ordinance amending 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 the R-1 Single Family Residential District to R-3 Maximum Density Residential District. Roll call vote: Cheney, Ruzicka, Dorn voted YES. Nider voted NO. Motion carried.

Josh Buck, Chairman of the Planning Commission, made the following recommendations from the Planning Commission: Waiving the requirement that a sidewalk be installed along Apple Street from Adams to Jefferson and releasing the sidewalk escrow funds for Bennet Ridge, provided that installation of paving in the pedestrian easement between Lots 6 and 7, Block 3 is addressed. Address the drainage concerns on the south side Apple Street between Adams Street and Jefferson Street. Address the safety and drainage concerns on the west side of Jefferson from Apple to Birch regarding the sidewalk, the retaining wall, and the drainage. Cheney moved and Dorn seconded a motion to postpone the release of escrow funds for sidewalks in the Bennet Ridge Addition until the developer Jeff Colson goes before the Planning Commission to request the release of the required paved pedestrian way in Outlot A. Roll call vote: Ruzicka, Dorn, Cheney, Nider voted YES. Motion carried. The Board agreed to request the Village Engineer to assess the drainage concerns on the south side of Apple Street between Adams Street and Jefferson and to assess the safety and drainage concerns on the west side of Jefferson from Apple to Birch regarding the sidewalk, retaining wall and drainage.

Pete Simmons of 100 Adams Street came before the Board to request a speed bump be put in on Apple Street between Adams and Jefferson. The Board agreed to check into premade speed bumps for Apple Street. Mr. Simmons also requested that the Board consider closing Jefferson Street at the intersection of Cottonwood to make it safer for the kids walking to school. This has been an ongoing concern that the Board has discussed in the past. Closing the Street is not an option due to blocking off access to three

Commented [WA1]: Has the Planning Commission taken action on this? If so, what is the recommendation and did Josh declare a conflict of interest? Is this being introduced on Monday? If so, we should be showing an ordinance on first reading.

residents and the water tower. The Board has discussed widening and resurfacing this portion of Jefferson Street, but have decided to reserve funds until the sledge press is acquired to be in compliance with wastewater regulations. The Board agreed to posting caution signs along Jefferson Street.

The Board briefly discussed the need for reviewing the fee schedule for building permits and filing fees. The office personnel will research the fee schedules for the county and surrounding communities. There also was discussion of amending the contract with the building inspector to include a \$300 a month detainer. The contract will be on the agenda for September's Meeting.

Dorn moved and Ruzicka seconded a motion to authorize the Chairman to sign the letter agreement with AMGL, P.C. for 2020-2021 audit services. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

The Board discussed the improvements that were budgeted for the Bennet Park. Attorney Austin suggested that we might need specs prepared by the Village Engineer and to go out for bids. The Park Committee will provide a detailed plan of the improvements that are needed.

Cheney moved and Ruzicka seconded a motion to approve the proposal with Uribe Refuse Services for compactor disposal at the Bennet Dump/Recling Center and to direct a contract for such services to be drafted. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried. We will request a proposal from Uribe Refuse Services for the disposal of the recycling material for the September 14th meeting and draft a contract for the recycling services

The Clerk asked the board if they were interested in advertising in the Historical Society's 150 year book for a \$20 donation. They were in favor. She reported that we will be upgrading the phone system in the Village Office to give two additional lines and approximately a \$75 savings on the monthly bill. The Clerk notified the Board of the upcoming bond principal and interest payments due.

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

Ken Maahs, the Utility Superintendent, reported that Nebraska Rural Water Association camera'd the main on Hackberry and the service line at 1325 Hackberry to see if they could determine the cause of the sewage backup during an excessive rain. They could tell the highest water level reached in the main was not high, but that the water level in the service line had been high at one point. He also reported the air conditioner in the treatment plant stopped working and we had to replace a windshield in one of the vehicles.

Code Enforcement Officer Marlene Sturdy reported that she was keeping busy with letters for weeds, mowing and other nuisance issues. She has seen good progress in some and not so much in others.

Cheney moved and Ruzicka seconded a motion to adjourn at 9:54 p.m. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Chairman Ryan Cheney called the Board of Adjustments meeting to order at 9:55 p.m. and announced the location of the Open Meetings Act. Michele Lincoln conducted roll call. Trustees in attendance were Ryan Cheney, Brad Ruzicka, Jerris Nider, Justin Dorn. Don Murray 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.

Josh & Chrissy Garris filed application for a variance to allow an encroachment of .45' into the required 9' side yard setback in the Medium Density Residential District (R-2) for property legally described as Lot 8, Block 2, Nemaha Valley Subdivision 2nd Addition, commonly known as 805 Hackberry Street. The contractor explained that this was a new home and an error was made in the measurement and squareness on the lot. Cheney moved and Dorn seconded a motion to approve Resolution 2020-8.2, a resolution approving a variance to permit the encroachment of a residential structure into a required side yard in the R-2 Medium Density Residential District at 805 Hackberry Street. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Motion carried.

Cheney moved and Dorn seconded a motion to adjourn at 9:59 pm. Roll call vote: Cheney, Ruzicka, Nider voted YES. Motion carried.

Michele Lincoln, CMC
Village Clerk

Commented [WA2]: ??? Really? That is about 5 inches!!!!