

Village of Bennet, Nebraska
Board of Trustees
Minutes September 14, 2020

The Bennet Board of Trustees (the "Board") of the Village of Bennet, Nebraska (the "Village") held a regular business meeting on Monday September 14, 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, 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 10, 2020 Regular Meeting. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Cheney opened the public hearing for the presentation of the proposed 2020/2021 budget document at 8:02 p.m. Cheney moved and Dorn seconded a motion to amend the agenda to move the Public Hearings for the proposed 2020/2021 budget and to set the final tax request until after the new business. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

A list of claims was considered. The claims list submitted had an error for the payment to MARC and was corrected from \$515.50 to \$516.50. Nider moved and Ruzicka seconded to approve the claims for payment. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

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

Updates were given on the Whispering Pines Park project. The storm sewer for the Evergreen Place First Addition was installed through the park path so the final concrete can now be poured. There have been problems with the stone veneer falling from the bridge pillars. Olsson had reported that the wrong kind of concrete mortar was used in the installation and that the stone veneer would be reinstalled. We have received a Free Trees for Fall Planting grant through Nebraska Statewide Arboretum's Trees for Nebraska Towns Initiative funded by the Nebraska Environment Trust. We will be receiving ten free overstory trees which fall in line with the Whispering Pines Park Plan.

Boyd Batterman, the developer of the Nemaha Ridge First Addition, decided that he did not want to proceed with the development as approved with the final plat at the August meeting and has filed a revised Nemaha Ridge First Addition Final Plat. The revised version divided the development into two stages. Cheney moved and Ruzicka seconded a motion to reconsider the passage of Resolution 2020-8.1 approving the Nemaha Ridge First Addition Final Plat. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Cheney moved and Ruzicka seconded a motion to indefinitely post phone the passage of Resolution 2020-8.1 approving the Nemaha Ridge First Addition Final Plat. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Cheney moved and Nider seconded a

motion to approve resolution 2020-9.1, 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, Murray voted yes. Motion carried.

Dorn moved and Ruzicka seconded a motion to approve the second 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 and Murray voted NO. Motion carried.

Josh Buck, Chair of the Planning Commission, gave the Planning Commission's recommendation that the Board of Trustees waive the required sidewalk in Bennet Ridge Addition on the south side of Apple Street between Jefferson and Adams Street, waive the sidewalk requirement in the pedestrian way and to release the sidewalk escrow funds for the Bennet Ridge Addition. Cheney moved and Murray seconded a motion to approve Resolution 2020-9.2, a resolution waiving the requirement in the resolution approving the plat of Bennet Ridge (Resolution 2004-12.1) for the installation of a sidewalk along apple street from Adams Street to Jefferson Street and in the pedestrian way in Outlot A, and releasing the funds escrowed to insure the installation of such sidewalks in Bennet Ridge. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

The Board of Trustees discussed the installation of speed bumps on Apple and Jefferson Street. Ken Maahs, the Utility Superintendent, got cost estimates for speed bumps and speed humps. Speed bumps slow the traffic to 5-10 miles an hour and cost around \$670. Speed humps slow the traffic to 15-20 miles an hour and cost around \$2,300. Cheney moved and Dorn seconded a motion to get a speed bump to be placed on Apple Street between Adams and Jefferson and a speed bump for Jefferson Street between Cottonwood and Birch Street. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

The Board discussed the Bennet Park improvements. Vasa Construction gave a price of \$900 to run the new electrical line for the Christmas tree and about \$12,000 for the gazebo repairs. The board agreed to have Vasa Construction run the new electrical line and to wait for the bid on the gazebo repairs.

OPPD Government & Community Relations Manager Michaela Valentin and Jeff Davis with BNSF attended the meeting to explain the plans for the activation of the BNSF Railway due to a contract with OPPD to haul coal to Nebraska City. From now until January 1st they will be upgrading signals and doing track maintenance. Starting January 1st there will be one train twice a day going through town. The max speed of the train will be 25 mph and will be about 1 ½ miles long. They stated that after the election in November they will be promoting railroad safety.

Dan Zieg came before the Board to discuss the establishment of a railroad quiet zone on Monroe Street. He is concerned that the railway going through town being reactivated will drop the home values, hurt the prospect of selling homes and lower the tax base. According to his calculations with the quiet zone calculator he believed the cost would be about \$13,000.00. He requested the Board explore establishment of a quiet zone to see if it is something they would like to pursue. Roger Figard, Executive Director with the Railroad Transportation Safety District, was available to address the issue of establishing a

quiet zone. Roger stated that it is paid by the local road authority and by policy quiet zones are not established on state highways.

John Hippen and Owen Ramaekers approached the Board of Trustees to request permission to put a disc golf course in Whispering Pines Park. They have come up with a plan and think a disc golf course would be a good, fun and close option to do for families in Bennet. They believe it would be successful knowing that the P.D.G.A. (Professional Disc Golf Association) has grown by 4,000 in the past three years and disc golf is the fourth fastest growing sport in the world as reported in newspaper coverage. They have received a \$1,000 youth entrepreneur grant from the BACFF (Bennet Area Community Foundation Fund) to begin the project. They shared with the Board a map of their proposed plan and their budget costs. It is estimated an additional \$2,895 will be needed to complete the project and would like to seek additional financial support from local businesses, additional grant funds and possibly the village. The Board questioned whether it would disrupt residents using the walking path and if there were any liability issues. They also mentioned the possibility of it getting overcrowded with golfers from other communities and whether the proximity to the creek was an issue. The Board commended them on their proposal and well-prepared presentation. Trustee Dorn volunteered to meet with the boys to further review their plan.

Cheney moved and Ruzicka seconded a motion to reopen the public hearing for the presentation of the proposed 2020/2021 budget document at 9:08 p.m. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. The 2020/2021 budget document was reviewed. Chairman Cheney closed the public hearing at 9:17 p.m. Cheney opened the public hearing to set the final tax request at 9:17 p.m. The total tax rate request will be \$.432231 per \$100 of assessed value. Cheney closed the public hearing at 9:19 p.m. Murray moved and Dorn seconded a motion to approve an additional 1% increase in restricted funds authority. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Cheney moved and Murray seconded a motion to approve Resolution 2020-9.3, a resolution setting the property tax request. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Cheney moved and Dorn seconded a motion to approve Resolution 2020-9.4, a resolution approving the fiscal year 2020/2021 budget for the Village of Bennet. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Cheney moved and Murray seconded a motion to accept the proposal from Uribe Refuse Services, Inc. for recycling disposal, to approve the contract for the same and to authorize the Chairman to execute the contract. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Cheney moved and Dorn seconded a motion to accept the proposal from Uribe Refuse Services, Inc. for refuse hauling services, to approve the contract for the same and to authorize the Chairman to execute the contract. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Murray moved and Cheney seconded a motion to approve the building inspector contract with Dale Stertz and to authorize the Chairman to execute the contract. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Dorn moved and Cheney seconded a motion to approve the first reading of Ordinance 2020-9.1, AN ORDINANCE AMENDING §33.48 OF THE CODE OF BENNET BY INCREASING THE SALARIES PAID TO THE TRUSTEES TO \$200.00 A MONTH FOR TRUSTEES AND \$300.00 A MONTH FOR THE CHAIRMAN WITH \$100 PER MONTH FOR TRUSTEES FOR EACH SPECIAL MEETING ATTENDED; AND REPEALING §33.48 OF THE CODE OF BENNET AS HITHERTO EXISTING, AND PROVIDING AN OPERATIVE DATE. Roll call vote: Cheney, Ruzicka, Nider, Dorn voted YES. Murray voted NO. Motion carried.

Cheney moved and Dorn seconded a motion to approve Resolution 2020-9.5, a resolution authorizing the Chairman to sign the Municipal Annual Certification of Program Compliance Form 2020. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Ryan Brandt, the Municipal Engineer and Street Superintendent with Kirkham Michael, informed the Board that he has accepted another position and was resigning. He stated that Kirkham Michael will continue to support us and follow through with the sludge press project. The Board agreed that it would be a good time to go out for proposals.

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

Planning Commission Chair Josh Buck reported that they had a joint meeting with the Transition Team prior to the meeting where there was discussion with Tim Keelan from Hanna:Keelan Associates, P.C. regarding the special use permit requirements and dividing Bennet into districts/wards for election purposes when we transition to a city of the second class.

Ken Maahs, the Utility Superintendent, reported that he received a cost for street repair at Monroe & Fir Street where the street was tore up due to a water line repair from Vasa Construction for \$7,999.95. Cheney moved and Murray seconded a motion to have Vasa Construction do the street repairs at Monroe & Fir Street. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Ken also reported that the furnace in the Wastewater Treatment Facility needed replaced. Murray moved and Nider seconded a motion to have Nemaha Valley Furnace proceed with the replacement of the furnace in the Wastewater Treatment Facility. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Code Enforcement Officer Marlene Sturdy reported that she continues to see progress with several properties. She stated the Health Board will need to declare a public nuisance to proceed with the nuisance abatement on some of the parcels.

Larry Kramer reported that the Farmers' Market will be meeting in November to plan for next year's Farmers' Market.

During the communications part of the agenda the Clerk reported that Lancaster County Health Department had reached out to see if Bennet would be interested in implementing a tobacco free policy in our public parks. The Health Department will supply us with sample resolutions and signs to post. The Board agreed to proceed with implementing a tobacco free policy.

Cheney moved and Ruzicka seconded a motion to adjourn at 9:56 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 9:56 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. A quorum being present, and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Larry Jensen represented Larry Jensen & Family, Inc. for a variance request to allow an encroachment of 1.5' into the required 8' side yard setback in the Maximum Density Residential District (R-3) for property legally described as the South Half of Lot Four in the Subdivision of the SW ¼ of the SE ¼ of the SE ¼ of

Section 3, Township 8 North, Range 8 East of the 6th P.M., Lancaster County, NE, commonly known as 270 Monroe Street. The current home on the parcel is a non-conforming structure and they wanted to add an addition that would be in line with the north wall of the existing home. The Board discussed the fact that the contractor has already built the addition without the variance approved or any building permits. Cheney moved and Nider seconded a motion to approve Resolution 2020-9.6, a resolution to approve the variance request from Larry Jensen & Family, Inc. for a variance request to allow an encroachment of 1.5' into the required 8' side yard setback in the Maximum Density Residential District (R-3) for property legally described as the South Half of Lot Four in the Subdivision of the SW ¼ of the SE ¼ of the SE ¼ of Section 3, Township 8 North, Range 8 East of the 6th P.M., Lancaster County, NE, commonly known as 270 Monroe Street. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried. Murray moved and Cheney seconded a motion to charge the contractor for the addition at 270 Monroe Street the maximum financial penalty fees and if such fees and permits are not filed in the Village Office within 30 days a complaint for violation of the building codes will be filed with the Lancaster County Court. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Cheney moved and Murray seconded a motion to adjourn at 10:17 pm. Roll call vote: Cheney, Ruzicka, Nider, Dorn, Murray voted YES. Motion carried.

Michele Lincoln, CMC
Village Clerk