

**City of Bennet, Nebraska  
City Council  
Minutes December 11, 2023  
Regular Meeting**

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a Regular business meeting on Monday, December 11, 2023 at 7:00 PM, at the Bennet City Hall, 685 Monroe Street in the City, 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 for public inspection at the office of the City Clerk and posted at the City Office, Post Office and First Nebraska Bank.

Mayor Ryan Cheney called the meeting to order at 7:00 p.m. and announced the location of the Open Meetings Act. City Clerk Michele Lincoln conducted roll call. Council Members in attendance were Pete Simmons, Dan Zieg, Steve Bettendorf, Justin Dorn, and Mayor Ryan Cheney. A quorum being present, and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public. The Pledge of Allegiance was recited.

**CONSENT AGENDA**

- a. MINUTES of November 13, 2023, City Council Regular Meeting Approval.
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. RESOLUTION 2023-12.1 approving the appointment of City officials and service providers.
- e. RESOLUTION 2022-12.2 appointing a Street Superintendent for 2024.
- f. RESOLUTION 2023-12.3 appointing Board of Adjustment members.

Zieg moved and Bettendorf seconded a motion that all items under the consent agenda be approved and accepted as presented. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Nicole Kobus with SparqData provided training to the Mayor and Council on the Sparq Meetings program.

Mayor Cheney opened a public hearing for the purpose of hearing testimony regarding a Conditional Use Application to allow more than one principal building of a permitted use on a lot as per Section 4.06 of the Bennet Zoning Ordinance [amended with Ordinance 2023-9.1(a)] on Lot 7, W 59' & W 47.35' & S 10' E11.65' W 59' Lot 8 & W 47.35' S 24' Lot 9, Block 42, Bennet, at 7:16 p.m. After several comments from the attendees, Mayor Cheney closed the public hearing at 7:41 p.m. Simmons moved and Zieg seconded a motion to approve a Conditional Use Permit to allow more than one principal building of a permitted use on a lot as per Section 4.06 of the Bennet Zoning Ordinance [amended with Ordinance 2023-9.1(a)] on Lot 7, W 59' & W 47.35' & S 10' E11.65' W 59' Lot 8 & W 47.35' S 24' Lot 9, Block 42, Bennet, commonly known as 690 Monroe Street with the condition that the applicants Change of Use Application is filed and approved; the Preliminary and Final Plat for the Henry Addition is approved with the City Engineer's recommendations on the Engineer Review dated November 27, 2023 addressed; the applicant proceeds with the plan to join the two buildings creating the additional commercial space in-between the two existing buildings with a tenant in two years and the business

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operational within three years. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Mayor and Council discussed the potential site locations for the new preschool playground equipment at Bennet Park with Larry Kramer of the Bennet Community Builders Association. Kramer had met with the Park Committee regarding the location of the equipment, but after surveying the community members, they wanted to change the location to be north of the splash pad between the splash pad and the park shelter. The Council agreed with the Park Committee's initial assessment stating that the second site proposed would overcrowd that area of the park where community members often gather and be too close to the splash pad and that placing it where the antiquated monkey bars are would still be within sight distance of the splash pad. Simmons moved and Zieg seconded a motion to approve site plan #1 where the existing arch monkey bars are for the preschool equipment in Bennet Park. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Council discussed a situation with Mark Schmidt of the Evergreen Development Inc, the developer of Evergreen Place 1st Addition, Corrected Replat, and Engineer Brian Schuele where the sewer main had not been installed according to the approved development plans and was not within the utility easement and in conflict with a new structure at 1405 Hackberry Street. Zieg moved and Bettendorf seconded a motion to approve the modification to the sewer main by Mark Schmidt with Evergreen Development Inc with Engineer Brian Schuele's recommendations to remove and relocate manholes and sewer main according to the plan set out in the "1405 Hackberry-sewer main 1" document and to expand the total easement area to 15' wide, or as wide as possible so that the structure is not in conflict with the easement on Lot 1, Block 3, Evergreen Place 1st Addition, Corrected Replat; the Stop Work Order issued December 5, 2023 for construction at 1405 Hackberry St. shall be lifted and that all changes shall be completed prior to the issuance of an occupancy permit. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Council agreed that the Master Fee Schedule will be evaluated by the Utility Committee which will provide their recommendation to the City Council at the January 8, 2024 meeting.

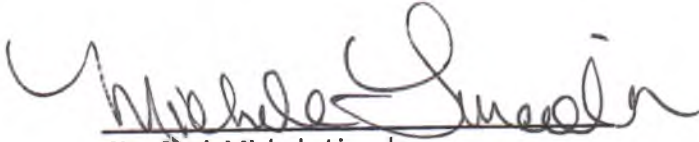
Zieg moved and Steve Bettendorf seconded a motion to approve the estimate provided by Vasa Construction, Inc. in the amount of \$12,290.00 for repairs to the park gazebo in Bennet Park. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Zieg moved and Bettendorf seconded a motion to authorize Council Member Dorn to determine appropriate investment or reissuance of the CDARS savings accounts. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.


Submitted reports include Utility Superintendent, Sheriff's Office, Engineer, Code Enforcement Officer and November 29, 2023, Planning Commission Minutes. Utility Superintendent Russ Jones questioned the Council about the excessive cost of signs and posts ordered for the traffic direction due to the construction at the elementary school. Jones stated that the City's suppliers could fill the order at a significant savings, but Trafcon where the supplies had been ordered, charged a 50% restocking fee. Council Member Simmons stated that he would look into it.

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Dorn moved and Bettendorf seconded a motion to adjourn at 8:43. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.



City Clerk Michele Lincoln  
City of Bennet, NE



Mayor, Ryan Cheney  
City of Bennet, NE