

**City of Bennet, Nebraska
City Council
Minutes July 18, 2023
Regular Meeting**

The Bennet City Council (the “Council”) of the City of Bennet, Nebraska (the “City”) held a regular business meeting on Tuesday, July 18, 2023 at 7:00 p.m., 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 June 12, 2023, City Council Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER’S REPORT
- d. Approval of First Amendment to Water Tower Lease Agreement with Cellco Partnership d/b/a Verizon Wireless.

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

A “Presiding Officer Public Comment Announcement” has been added to the agenda to allow the presiding officer to state which agenda items public comment will be taken on and the amount of time each speaker would be allowed. After discussion with the Council, Mayor Cheney stated they would allow public comment on all agenda items during this meeting with a three-minute time limit.

The Council had a brief discussion regarding the 4th of July Celebration. There have been no volunteers offering to continue the 4th of July Celebration. Council Member Dorn stated that he heard favorable comments regarding this year’s celebration with the BMX show directly following the parade.

The Mayor and Council discussed implementing guidelines for public participation during the public meetings. Council President Simmons explained that this stemmed from June’s Planning Commission meeting which was very disorderly with people screaming and yelling and that until this point as a Village the public participation had not been an issue. Mayor Cheney added that the resolution for consideration does not inhibit public participation but sets standards that fall within the Open Meetings Act requiring the public to state their name and address for the record, setting time limits, and requiring that the public confine their remarks to the agenda item up for consideration. Mayor Cheney introduced Resolution 2023-7.1, A RESOLUTION OF THE CITY OF BENNET, NEBRASKA, ESTABLISHING

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PUBLIC PARTICIPATION GUIDELINES DURING PUBLIC MEETINGS. Dorn moved and Zieg seconded a motion to approve Resolution 2023-7.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Council President Simmons had the discussion of the coffee shop status placed on the agenda to set the record straight regarding the subject. Simmons wanted to touch base on the following:

* The Planning Commission Meeting on June 21st. The agenda item for their consideration was “Kelly Langer to request approval to have more than one principal building on the parcel at 690 Monroe Street with the steel building operating as coffee shop.” Many members of the public were in attendance to show their support for a coffee shop. The meeting was intense with a lot of emotion, yelling, and screaming and very disorderly and a lot of social media posts followed with misinformation.

* Langer stated during the June 21st meeting that the rules had changed from when he got his building permit to when he applied for the change of use and that there was a conflict of interest on behalf of Josh Buck, the Planning Commission Chairperson. The property at 690 Monroe was zoned as business and the house to the east was zoned residential. The previous regulations required a drive-through to be 100’ from a residential lot, which would not allow for a drive-through at that location. Lincoln as the Zoning Administrator, knowing that he had ideas of a coffee shop and a commercial business for the residential lot he owns, recommended to the Planning Commission that the residential lot to the east be included with the new business district (now Flex District) which would make it easier to get the coffee shop, and in his favor. Buck went along with changing the residential lot to the new Flex District so if there was a conflict of interest why would he have been willing to make that change.

* The Planning Commission did not have all the information before making their decision. There was no mention that creating separate parcels would require Langer to install new sewer and water lines, so each parcel has its own utilities.

* Since the Planning Commission did not forward a recommendation for exception to allow more than one principal building on that lot to the City Council, the City Council has nothing to act on. There are still other avenues that can be pursued. There will be a cost. Replating the parcels is still an option. During the meeting Langer stated that it would be tens of thousands of dollars to replat the parcels which will actually be closer to a couple thousand dollars.

* The Council is open to new businesses and Simmons said he would love to see a coffee shop, but they need to follow proper procedures and abide by the regulations. There are still a lot of steps that need to be taken before we can move forward. There have not been any drawings filed showing compliance with the parking regulations or the location of the drive-through.

Kelly Langer stated he just wanted to offer a building to people that want a coffee shop. He will explore his options, would like to calmly move forward working with the City and follow the rules. He said that this is the only property in town that would have more than one principal building. He said the reason the Planning Commission gave for not making the recommendation to allow more than one principal building was that they had been working on the new zoning ordinance for 18 months and their first opportunity to make an exception would set precedence.

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The Mayor and Council discussed the pending water issues. The Utility Committee, Council Members Zieg and Simmons, have been investigating the daily usage, the high usage consumers, and the metered usage for the Splash Pad. Zieg stated that there are single family residences using over 40,000 gallons and suggested implementing a tiered fee schedule so it does not punish the families but discourage the excessive users. They would like to research further and work with Lancaster Rural Water District before coming before the Council with a recommendation. The Splash Pad is an area of concern with so many out-of-town day cares coming to use it and the fact that the water puts additional stress on the Wastewater Treatment System to process the clean water.

Larry Kramer with the Bennet Community Builders Association (BCBA) submitted the proposed Preschool Playground in Bennet Park plan. They would also like to include a walking path connecting the shelter to the playground areas. They estimate the total project cost to be \$45,000 and the proposed funding source be 1/3 from BCBA, 1/3 from grants and 1/3 from the City. The installation is planned for 2024 pending adequate funding. The Mayor and Council discussed that they already had \$10,000 allotted towards the Preschool Playground project and they had \$10,000 planned for a walking path in Bennet Park. They agreed to combine the two projects towards the Preschool Playground plan.

Zieg moved and Bettendorf seconded a motion to appoint Simmons to the Board of Appeals. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Mayor and Council discussed implementing a social media policy for employees, appointed and elected officials. They debated whether this should be part of the employee policy or a separate policy and whether it was appropriate to apply towards the elected and appointed officials. Attorney Solheim said he would look at additional examples from other communities.

Engineer Brian Schuele recommended that the City establish a permit to occupy the City right-of-way. A form will be created for approval by the City Council at the next meeting.

The Mayor and City Council did a final review of the Capital Improvement Plan (CIP) projects. Simmons moved and Bettendorf seconded a motion to approve the 2023 Capital Improvement Plan with the amendment of combining #46, \$10,000 for a walking path in Bennet Park, and #48, contribution to the preschool park equipment, and to amend #59 to have the amount needed for asphalt sealing to be determined by the City Engineer. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Deputy Dimas with the Lancaster County Sheriff's Office was in attendance to give a report. She shared that they do regular checks of the park areas, downtown businesses and monitor the through traffic. Last month there were eight warnings and one citation for an operator's license. She said for the most part traffic does slow down as they go through town.

Code Enforcement Officer Marlene Sturdy reported that she has been monitoring for the watering restrictions and people have been very cooperative. She has addressed several code violations for tall weeds, grass and worthless vegetation. She is seeing a lot of dead pine trees in town.

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City Clerk Michele Lincoln reported the following: A \$125,000 Safe Streets for All grant application has been filled; the joint survey for the Comprehensive Plan and Economic Development are now available; she met with District OR-1 Superintendent Mike Hart to discuss establishing a community based childcare center. SENDD is going to develop a regional survey to determine the need; Nebraska Department of Transportation is having a Transportation Summit in Kearney for elected officials and staff to provide details on applying for federal grants on August 23rd; The Budget Workshop with accountant Michael Hoback will be 6:00 p.m. on August 14th and the Budget Hearing will be 6:00 p.m. September 11th with the regular meeting immediately following.

Utility Superintendent Russ Jones reported that there is another water leak at the South Ballfield. There have been several leaks on that line, so he recommended replacing the line. The Council agreed.

Submitted reports include Utility Superintendent, Sheriff's Office, and Engineer.

Zieg moved and Dorn seconded a motion to adjourn at 8:12 p.m. 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