

**City of Bennet, Nebraska
City Council
Minutes March 13, 2023
Regular Meeting**

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on Monday March 13, 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 February 13, 2023 City Council Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. RESOLUTION 2023-3.1, a resolution appointing Planning Commission member.
- e. RESOLUTION 2023-3.2, a resolution consenting to the use of City right-of-way by JEO for installation of fiber optic facilities underground as part of the Lancaster County Broadband System.
- f. RESOLUTION 2023-3.3, a resolution approving a Block Party Application from Bennet Fire & Rescue for June 3, 2023 to block off Fir Street between Quincy Street and Van Buren Street for a fundraiser.
- g. Approval of \$4,250 to Johnson Services for pre-lining video inspection of 2,290 LF of asbestos sanitary sewer main.

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.

The Celebrate Bennet 4th of July Committee informed the Board of Trustees in September of 2022 that 2023 would be their last year to organize the 4th of July activities. The City Council is continuing the effort to find a way to maintain the annual event. It was mentioned that a slogan emphasizing that the celebration may no longer exist would be helpful with the advertising efforts. They discussed getting banners, continually posting on social media and that as it gets closer to the 4th of July more people might consider volunteering.

Mayor Cheney opened a Public Hearing for the purpose of hearing testimony regarding the adoption of a new Zoning Ordinance and Subdivision Regulations at 7:03 p.m. Keith Marvin with Marvin Planning Consultants introduced himself as the planner developing the new regulations. He stated that there

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were some minor corrections to the subdivision regulations that developed from the Planning Commission public hearing regarding gas and telecom language. There was a discrepancy with the Mobile Food Vendors ordinance and the Matrix Chart which can be corrected by a change in the Matrix Chart to allow the Mobile Food Units as a temporary use and a change needed to allow Farmers' Market to be a permitted use. Mayor Cheney closed the Public Hearing at 7:17 p.m. Mayor Cheney and the Council thanked Keith Marvin for all the work he had put into these new regulations.

Mayor Cheney moved to agenda item 5g and 5h to address the approval of the Zoning Ordinance and Subdivision Ordinance. Mayor Cheney introduced ORDINANCE No. 2023-3.4, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO ADOPT A ZONING ORDINANCE AND ZONING MAP; TO REPEAL ANY CONFLICTING ORDINANCES, MAPS, OR REGULATIONS; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Dorn moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance No. 2023-3.4. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Zieg seconded a motion to approve Ordinance No. 2023-3.4 with the changes in Section 5.06 Land Use Categories/Matrix in the Zoning Ordinance to allow Mobile Food Units as a temporary use in all zoning districts and to allow Farmer's Market as a permitted use in residential, commercial and flex districts. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance No. 2023-3.5, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO ADOPT SUBDIVISION REGULATIONS; TO REPEAL ANY CONFLICTING ORDINANCES OR REGULATIONS; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Dorn moved and Zieg seconded a motion to waive the three-reading rule for Ordinance No. 2023-3.5. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Simmons seconded a motion to approve Ordinance No. 2023-3.5. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Jeff Zoller with Windstream Nebraska, Inc. appeared before the Council to request a letter of support for their proposed Broadband Deployment Project submitted to the Nebraska Public Service Commission for a Capital Projects Fund grant to expand fiber broadband service in Lancaster County. This project will deploy a fiber broadband network to locations around its Bennet, NE exchange and will support fiber to almost 425 underserved locations mostly in rural Bennet. Zoller stated the 2023/2024 build plans will upgrade the fiber broadband service within the Bennet corporate limits. The letter of support can be submitted to the Nebraska Public Service Commission until April 24, 2023.

The Mayor and Council discussed the clearing of snow around fire hydrants and whether regulation should be passed to mandate the abutting property owner to clear the snow or not. They agreed that if we are able to get voluntary compliance as we did after the last big snow, if the street personnel make an effort not to bury the hydrants and if we keep the public educated of clearing the snow around the fire hydrants that there was no need to proceed with an ordinance to regulate it.

As a result of the annual audit City Accountant Michael Hoback recommended that the sewer rates be evaluated. Although a sewer rate increase was implemented in January of 2022 it is not sufficient enough to acquire the cash reserves needed to cover the \$285,000 Lagoon Cleaning that is required every five years. The Utility Committee met to review the latest Nebraska Rural Water Association

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(NRWA) rate study and come up with a recommended increase. Their recommendation was to increase the base rate from \$21.25 to \$24.00 and the usage rate from \$4.25 to \$6.00 per 1,000 gallons of average water used January through March. NRWA suggested increase reflected a larger increase in the base rate for all users and smaller usage increase. The Utility Committee felt their recommended increase would collect more funds from the higher water users while maintaining a minimal increase from the conservative users. Mayor Cheney introduced Ordinance No. 2023-3.1, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND § 53.46 OF THE CODE OF BENNET RELATING TO SEWER RATES BY INCREASING THE BASE FEE AND USAGE FEE FOR RESIDENTIAL, NON-RESIDENTIAL, AND NON-RESIDENT CONTRIBUTORS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Bettendorf moved and Zieg seconded a motion to waive the three-reading rule for Ordinance No. 2023-3.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Bettendorf seconded a motion to approve Ordinance No. 2023-3.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Utility Committee reviewed the bulk water rate and what an appropriate deposit for the bulk water meter would be. They recommended the bulk water rate be increased from \$1.75 per 100 gallons to \$48.00 for the first 1,000 gallons plus \$5 per additional 1,000 gallons of water or portion thereof and to require a \$500.00 refundable deposit for the bulk water meter. Mayor Cheney introduced Ordinance No. 2023-3.2, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND § 52.02 OF THE CODE OF BENNET RELATING TO WATER RATES BY INCREASING THE BASE FEE AND USAGE FEE FOR BULK WATER USERS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Dorn moved and Zieg seconded a motion to waive the three-reading rule for Ordinance No. 2023-3.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Zieg moved and Simmons seconded a motion to approve Ordinance No. 2023-3.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance No. 2023-3.3, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO ADOPT THE CODE OF ORDINANCES FOR THE CITY OF BENNET, NEBRASKA; TO REPEAL THE PRIOR CODE; TO REQUIRE FILINGS; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Dorn moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance No. 2023-3.3. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Zieg moved and Simmons seconded a motion to approve Ordinance No. 2023-3.3. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Council discussed the continuance of the Farmers' Market as a City appointed advisory committee. Some of the points discussed was that it was more of a hinderance to the Farmers' Market as a City appointed committee with them being required to follow the Open Meetings Act, a quorum being required to hold meetings make it difficult for them to take action, and that the Farmers' Market was comparable to the ball club or the 4th of July Committee which are not City appointed. To dissolve the Farmers' Market the funds would need to be transferred to an existing non-profit like the Bennet Community Builders if they were willing to take on the Market or they would need to establish a new 501(c)(3). Market Manager Larry Kramer stated that they were well on there way for this season with advertising in Buy Fresh Buy Local, vendors contacted and food vendors lined up. He questioned whether they would be able to take ownership of the Market supplies and if they would still be able to

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store their supplies in the park shelter. A resolution will be drafted for the April City Council meeting dissolving the Farmers' Market. Zieg moved to approve Resolution 2023-3.4, a resolution appointing the Farmers' Market Advisory Committee and replacing Council Member representative Justin Dorn with Council Member Steve Bettendorf. The motion failed for a lack of a second.

The Bennet Clean-Up Day is scheduled for April 22, 2023. The grant has a new caveat this year that requires a landfill deferral element. To fulfill this requirement there will be electronic recycling at the City Office. The Council was encouraged to participate.

Bettendorf moved and Zieg seconded a motion to approve a contract for tree removal services with Christiansen Tree Service Inc. for option #1 with a 10% discount for \$1,420 and \$240 for stump grinding. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Submitted reports include Utility Superintendent, Sheriff's Office, Engineer, minutes from the February 15, 2023 Special Meeting and March 2, 2023 Special Meeting and Public Hearing of the Planning Commission, and Board of Adjustment February 22, 2023 meeting minutes.

Under Communications the notice of meeting for the School Update Informational Meeting March 15, 2023, was announced.

Zieg moved and Bettendorf seconded a motion to adjourn at 8:55 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