

**City of Bennet, Nebraska
City Council
Minutes May 8, 2023
Regular Meeting**

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on Monday May 8, 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 April 10, 2023, City Council Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT

Dorn moved and Zieg 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. Mayor Cheney said he would talk to the Fire Department to see if they would be willing to organize some of the events. It was mentioned that the Celebrate Bennet 4th of July Committee had a manual/plan for organizing the event and it may be helpful to get a copy of it.

At the April 10th meeting Andrew J Moyer and Hunter Pope represented the Chick-fil-A Leader Academy from Palmyra High School in presenting a community service project idea of constructing a 4700 sq ft basketball court in the southwest corner of Bennet Park. Although the Council was in favor of the idea, they felt there needed to be a closer look at the location. Mayor Cheney and Council Member Bettendorf met with Andrew to review the purposed project and thought the green space surrounding the water tower would be a better location for it.

The Council discussed using the greenspace around the water tower as a park. Engineer Brian Schuele provided a diagram showing the relative size of a typical basketball, tennis and pickleball court in that space. They agreed that a design plan would be a good idea. Simmons reported that the people he spoke with in the Bennet Ridge Addition were not in favor of it.

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District OR-1 Superintendent Michael Hart requested that the north/south alley in Block 1 of the West Bennet Addition be vacated to allow them to expand the playground for the Elementary School. The Council agreed to vacate the north/south alley and to also vacate the east/west alley in that block. An ordinance will be drafted for the June 12th meeting to vacate the north/south and east/west alley in Block 1 of the West Bennet Addition reserving a utility easement.

Planning Commission Chairperson Josh Buck reported to the City Council that Dr. Tang, the Program Director of the of the Community and Regional Planning Program of the University of Nebraska, attended the Planning Commission meeting on April 19th to explain the process and benefits of having Bennet Downtown Revitalization Plan and City Economic Development Plan as a student fall project. The plans they have developed for other communities have resulted in over \$400,000 worth of CDBG grant funds being awarded for downtown development. The City of Bennet will be responsible for reimbursement of all associated expenses which is estimated to be around \$7,000. SENDD has committed to contributing \$2,000.00 towards the project. The Planning Commission recommended the City Council approve a Service Agreement with UNL for them to develop these plans. Simmons moved and Bettendorf seconded a motion to approve a Service Agreement with University of Nebraska – Lincoln to have their Community and Regional Planning Program create a “Bennet Downtown Revitalization /City Economic Development Plan” as their fall project. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance 2023-5.1, AN ORDINANCE AMENDING CHAPTER 150.070 OF THE CODE OF BENNET TO ADOPT THE INTERNATIONAL BUILDING CODE, 2018 EDITION; TO ADOPT VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COSTS OF CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, ESTABLISH BEST BUILDING OR CONSTRUCTION PRACTICES WITHIN THE CITY OF BENNET, AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE CITY OF BENNET; AMENDING SECTION 150.070 OF THE CODE OF BENNET. Simmons moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance 2023-5.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Simmons moved and Dorn seconded a motion to approve Ordinance 2023-5.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance 2023-5.2, AN ORDINANCE AMENDING CHAPTER 150.071 OF THE CODE OF BENNET TO ADOPT THE INTERNATIONAL RESIDENTIAL BUILDING CODE, 2018 EDITION; TO ADOPT VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COSTS OF CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, ESTABLISH BEST BUILDING OR CONSTRUCTION PRACTICES WITHIN THE CITY OF BENNET, AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE CITY OF BENNET; AND AMENDING §§ 150.071 OF THE CODE OF BENNET. Dorn moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance 2023-5.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Simmons moved and Zieg seconded a motion to approve Ordinance 2023-5.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance 2023-5.3, AN ORDINANCE AMENDING CHAPTER 150.072 OF THE CODE OF BENNET TO ADOPT THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION; TO ADOPT VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COST OF CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR

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EFFICIENCY, ESTABLISH BEST BUILDING OR CONSTRUCTION PRACTICES WITHIN THE CITY OF BENNET, AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE CITY OF BENNET; AMENDING SECTION 150.072 OF THE CODE OF BENNET. Bettendorf moved and Simmons seconded a motion to waive the three-reading rule for Ordinance 2023-5.3. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Bettendorf seconded a motion to approve Ordinance 2023-5.3. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance 2023-5.4, AN ORDINANCE AMENDING CHAPTER 150.074 OF THE CODE OF BENNET TO ADOPT THE UNIFORM PLUMBING CODE, 2018 EDITION; TO ADOPT VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COST OF CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE JURISDICTION OF THE CITY OF BENNET; AMENDING SECTION 150.074 OF THE CODE OF BENNET. Simmons moved and Zieg seconded a motion to waive the three-reading rule for Ordinance 2023-5.4. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Bettendorf seconded a motion to approve Ordinance 2023-5.4. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance 2023-5.5, AN ORDINANCE AMENDING CHAPTER 150.076 OF THE CODE OF BENNET TO ADOPT THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION; TO ADOPT VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COSTS OF CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE JURISDICTION OF THE CITY OF BENNET; AMENDING SECTION 150.076 OF THE CODE OF BENNET. Bettendorf moved and Simmons seconded a motion to waive the three-reading rule for Ordinance 2023-5.5. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Bettendorf moved and Dorn seconded a motion to approve Ordinance 2023-5.5. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney introduced Ordinance 2023-5.6, AN ORDINANCE AMENDING CHAPTER 150.077 OF THE CODE OF BENNET TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION; TO ADOPT VARIOUS AMENDMENTS, EXCEPTIONS, ADDITIONS, AND DELETIONS THERETO AS PERMITTED BY STATE LAW TO REDUCE UNNECESSARY COSTS OF CONSTRUCTION, INCREASE SAFETY, DURABILITY, OR EFFICIENCY, ESTABLISH BEST BUILDING OR CONSTRUCTION PRACTICES WITHIN THE CITY OF BENNET, AND TO ADDRESS SPECIAL LOCAL CONDITIONS WITHIN THE CITY OF BENNET; AMENDING SECTION 150.077 OF THE CODE OF BENNET. Bettendorf moved and Simmons seconded a motion to waive the three-reading rule for Ordinance 2023-5.6. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Bettendorf seconded a motion to approve Ordinance 2023-5.6. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Per §150.002 of the Bennet Municipal Code a Board of Appeals is to be established to hear appeals of the Building Official. The code states that the Board of Appeals shall consist of the City Clerk/Treasurer, the inspector having responsibility for the code involved and one member from the City Council. Attorney Solheim and Council Member Zieg questioned whether the City Clerk/Treasurer who is also the Building Official should sit on the Board of Appeals. An ordinance will be drafted to amend §150.002 to have the Board of Appeals be comprised of two City Council Members and the inspector having responsibility of the code involved. Zieg moved and Simmons seconded a motion to appoint

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Dorn to serve on the Board of Appeals. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Capital Improvement Plan (CIP) was discussed. The City Clerk is requesting the Council to consider a couple different programs. Textmygov is a service that allows citizens to text to find answers or report issues and a way to notify citizens of city issues. Sparq Meetings is a web-based meeting platform that streamlines meetings digitally and gives the Council instant access to meeting information. The Council requested that demonstrations of these two programs be presented at the regular meeting on June 12th. The Council will discuss/review CIP projects at the June 12th meeting, the Planning Commission will review at their June 21st meeting with final approval of the City Council will be on July 10th.

Jay Krejcl was hired for a Post Office rehab project that he started and then determined the project was more involved than he projected and was not willing to complete the job. He is requesting payment of \$200.00 for his travel expenses and start of the project. Zieg moved and Dorn seconded a motion to deny payment of \$200.00 to Jay Krejcl for the Post Office rehab project. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Submitted reports include Utility Superintendent, Sheriff's Office, Engineer, and Code Enforcement Officer. City Engineer Brian Schuele stated he did not have any updates regarding getting additional water capacity from Lancaster Rural Water District. He intends to initiate discussion with the Rural Water District Board Members regarding future plans.

Zieg moved and Bettendorf seconded a motion to adjourn at 8:35 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