

**City of Bennet, Nebraska  
City Council  
Minutes October 9, 2023  
Regular Meeting**

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on Monday, October 9, 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 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 September 11, 2023, City Council Special Meeting/Budget Hearing & Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. RESOLUTION 2023-10.1, a resolution adopting the Master Fee Schedule.
- e. RESOLUTION 2023-10.2, a resolution appointing Planning Commission Members

Simmons 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.

Pam Dingman, Lancaster County Engineer, attended for a County Engineer update. She shared the highlights of the Lancaster County One- and Six-Year Plan. She stated that they were hoping to have the bridge at 162<sup>nd</sup> and Roca Rd done this year, but not sure if it would get done. She talked a little bit about the MPO (Metropolitan Planning Organization) that Bennet is now a member of, the availability of federal grants for street projects and that we could consider entering into an interlocal agreement with the Lancaster County for cooperative purchasing.

Patrick Pierce from Vortex attended to discuss alternative options for the splash pad that could reduce cost or loss of water. Planning Commission member Kevin Hiatt invited Pierce to explore whether there were any options to making the splash pad more feasible. Pierce explained that we have a single pass system where the water is not recycled which would have been a cheaper way to get the patent approved. A recirculating system would have been triple the cost. State requirements for recirculating systems are very extensive, requiring certified operators and being constantly monitored. Pierce said he could evaluate the features we have and see if there are any low-flow replacement options to help conserve water.

**City of Bennet, Nebraska**  
**City Council**  
**Minutes October 9, 2023**  
**Regular Meeting**

The Homeowners Association for the Nemaha Valley Subdivision would like to purchase speed bumps to be installed on Hackberry Street between Harrison Street and Garden Street with the City installing them. Zieg moved and Bettendorf seconded a motion to install speedbumps purchased by the Nemaha Valley Homeowners Association on Hackberry Street according to Engineer Brian Schuele's recommendation. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Boyd Batterman presented the Nemaha Ridge 3<sup>rd</sup> Addition Preliminary and Final Plat. The plat is a subdivision of Lot 1, Lot 3 and Outlot C of the Nemaha Ridge First Addition, Lot 1 of the Nemaha Ridge Second Addition and proposed vacated public Right-of-Way of Coffeetree Court in Section 11, Township 8, Range 8 of Bennet. The Bennet Planning Commission recommended approval of the Nemaha Ridge 3<sup>rd</sup> Addition Preliminary and Final Plat, contingent on the vacation of Coffeetree Court prior to approval. Mayor Cheney introduced Ordinance 2023-10.1, AN ORDINANCE VACATING COFFEETREE COURT FROM THE WEST RIGHT-OF-WAY LINE OF S. 176<sup>TH</sup> STREET, WITH THE RIGHT-OF-WAY SO VACATED REVERTING TO THE OWNERS OF THE ABUTTING REAL ESTATE, ONE-HALF ON EACH SIDE THEREOF. Simmons moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance 2023-10.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Simmons moved and Dorn seconded a motion to approve Ordinance 2023-10.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Mayor Cheney introduced Ordinance 2023-10.2, AN ORDINANCE OF THE CITY OF BENNET, NEBRASKA, TO ACCEPT AND APPROVE THE FINAL PLAT DESIGNATED AS NEMAHA RIDGE THIRD ADDITION, FILED IN THE OFFICE OF THE CITY CLERK, UPON CERTAIN CONDITIONS SPECIFIED HEREIN, AND TO REQUIRE AN ESCROW OR SECURITY; TO REPEAL ANY 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 2023-10.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Zieg seconded a motion to approve Ordinance 2023-10.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

A Public Hearing was held for the purpose of hearing testimony regarding deleting 5.15.07 #8 of the Bennet Zoning Ordinance which states that lots along the highways shall be required to gain access through a paved service road in the F-1 Flex District. Mayor Cheney opened the Public Hearing at 7:49 p.m. The Public Hearing was closed at 7:53 p.m. Mayor Cheney introduced Ordinance 2023-10.3, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND SECTION 5.15.07 OF THE ZONING ORDINANCE TO REMOVE THE REQUIREMENT THAT LOTS ALONG THE HIGHWAY BE ACCESSED THROUGH A PAVED SERVICE ROAD IN THE F-1 FLEX DISTRICT; TO REPEAL ANY 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 2023-10.3. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Bettendorf moved and Zieg seconded a motion to approve Ordinance 2023-10.3. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Engineer Brian Schuele had been requested to look at a drainage issue at 480 Cottonwood Street which initiated from a code enforcement issue of vegetation and sandbags in the right-of-way. Schuele found that there was a legitimate drainage issue due to a low point in the ditch and part of his

**City of Bennet, Nebraska  
City Council  
Minutes October 9, 2023  
Regular Meeting**

recommendation included installing a culvert which would probably be 18" running south under Cottonwood Street. The estimated cost was \$5,000 - \$7,000 and would require Cottonwood Street to be closed for 3-4 days. The drainage to the south will need to be evaluated first to ensure that additional drainage issues will not be created to the south. Simmons moved and Bettendorf seconded a motion to follow Engineer Brian Schuele's recommendation on the drainage issue at 480 Cottonwood which included installing a culvert under Cottonwood Street to the south; allowing the landscaping to be left in place until the culvert is installed; removing the taller vegetation around the mailbox and driveway immediately; allowing the sandbags that run parallel to the driveway to be left in place; removing the sandbags parallel to the sidewalk; and allowing the landscaping blocks behind the sidewalk to remain in place. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Zieg moved and Simmons seconded a motion to create a committee to meet with the building inspectors to review and formalize the commercial building permit requirements with Simmons and Dorn serving on the committee. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

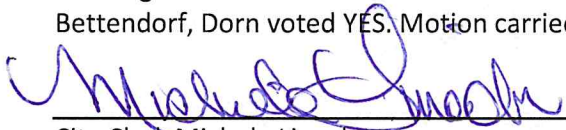
Last year a couple of residents had requested that streetlights be shut off for Halloween to enhance their Halloween experience. Some liability concerns have been raised regarding the issue. The Council agreed not to continue this practice.


The Service Agreement with Uribe Refuse Service for hauling the refuse compactor has expired. The proposed new agreement starts with a \$76 increase per pull. The Council agreed to see if there were any other contractors interested in pulling the compactor at the September 9th meeting. Contractors that did submit a proposal were higher priced than Uribe. The Council decided to work with Uribe to find an acceptable agreement.

City Clerk Michele Lincoln reported that the Open House/Town Hall for the Downtown Revitalization/Economic Development Plan and Comprehensive Plan was scheduled for October 10<sup>th</sup> and encouraged the Council & Mayor to attend. Administrative Aide Marlene Sturdy reminded the Mayor and Council that the Halloween Hotdog feed was from 5:00p.m. to 7:00 p.m. and would be \$50 per Councilman/Mayor.

Submitted reports include Treasurer, Utility Superintendent, Sheriff's Office, Engineer and Planning Commission Minutes from September 20, 2023.

Zieg moved and Dorn seconded a motion to adjourn at 8:30 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