

City of Bennet, Nebraska
City Council
Minutes September 11, 2023
Budget Hearing & Regular Meeting

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a Budget Hearing on Monday, September 11, 2023 6:00 p.m., at 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 an agenda for the meeting, kept continuously current, was available for public inspection at the offices of the City Clerk and posted at the City Office, Post Office and First Nebraska Bank.

Council President Simmons called the meeting to order at 6:00 p.m. and announced the location of the Open Meetings Act. Michele Lincoln, City Clerk conducted roll call and recorded the minutes. Council Members in attendance were Pete Simmons, Dan Zieg, Steve Bettendorf, and Justin Dorn. Mayor Ryan Cheney was absent. A quorum being present, and the meeting duly commenced, the following proceedings were taken while the meeting remained open to attendance by the public.

Simmons opened the hearing for presentation of the proposed 2023/2024 budget document at 6:07 p.m. Clerk/Treasurer Lincoln reported that due to depleting cash reserves the accountant is recommending that we increase the property tax request, which has been the same for the past six years. The increase is \$17,645 which is 6.63% for a total request of \$354,468.60. The total assessed valuation increased by 21.97% which will allow the levy to decrease to \$0.324454 from \$0.376036 the previous year. Kristen Nelson of 280 Apple Street questioned what the City has done to cut back on expenses. Bruce Forbes of 1095 Cottonwood questioned what projects were planned. Lincoln stated that she would send him a copy of the Capital Improvement Plan. Simmons closed the hearing at 6:13 p.m.

Simmons opened the hearing to set the final tax request at 6:13 p.m. There being no public comment Simmons closed the hearing at 6:15 p.m.

Simmons moved and Zieg seconded a motion to adjourn at 6:15 p.m. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on Monday, September 11, 2023 immediately following the 6:00 p.m. budget hearing, 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.

Council President Pete Simmons called the meeting to order at 6:16 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, and Justin Dorn. Mayor Ryan Cheney

City of Bennet, Nebraska
City Council
Minutes September 11, 2023
Budget Hearing & Regular Meeting

absent. 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 August 14, 2023 Special Meeting/Budget Workshop & Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. Approval of Sparq Meeting SaaS Agreement with Sparq Data Solutions for Electronic Meeting Service.
- e. **RESOLUTION 2023-9.1**, approving the Block Party Application for Bennet Community Church for their Trunk or Treat event October 20, 2023.
- f. Approval of City of Bennet Right-of-Way Permit.

Dorn 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.

Council President Simmons opened a public hearing for the purpose of hearing testimony regarding the adoption of the following zoning amendments at 6:18 p.m.:

- Amend Section 4.06 Lot (2) to allow more than one principal building be located upon a tract of land in specific instances after a site plan review as part of a conditional use permit and recommended by the Planning Commission and approved by the City Council.
- Amend Section 4.23 Private Swimming Pools to add 2 (C) Pools that hold at least 18 inches of water shall have at least a 4-foot-high fence with gaps less than 4 inches surrounding them.
- Amend Section 9.04 Fences 1 (A) Unless otherwise provided, no fence shall be built on any lot or tract outside the surveyed lot lines. No fence shall be closer than 2 feet to the sidewalk. Rear yard and side yard setbacks do not apply to fences.
- Amend Section 7.02 (8) The parking requirements herein do not apply to specific parcels within the Flex District: parcels abutting Madison Street from Fir Street to Garden Street; parcels abutting Fir Street from Madison Street to Monroe Street; parcels abutting Garden Street from Madison Street to Monroe Street; parcels west of Monroe Street from Fir Street to Garden Street. Approval of a parking site plan shall be required for the remaining portion of the Flex District.
- Change of Zone for S3, T8, R8 Lots 75 and 76 SE Medium Density Residential (R-2) to General Commercial (C-2)

Emilie Long of 845 Hackberry St shared her concerns regarding the fence requirements for pools. Ryan and Kat Forney, potential business owner of 415 Fir St, questioned the change in parking requirements for the Flex District and why it did not encompass the entire Flex District. Simmons closed the public hearing at 6:53 p.m.

City of Bennet, Nebraska
City Council
Minutes September 11, 2023
Budget Hearing & Regular Meeting

President Simmons introduced Ordinance 2023-9.1(a), AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND SECTION 4.06 OF THE ZONING ORDINANCE TO REQUIRE A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT FOR MORE THAN ONE PRINCIPAL USE PER LOT; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Bettendorf moved and Dorn seconded a motion to waive the three-reading rule for Ordinance 2023-9.1(a). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Simmons moved and Dorn seconded a motion to approve Ordinance 2023-9.1(a). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

President Simmons introduced Ordinance 2023-9.1(b), AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND SECTION 4.23 OF THE ZONING ORDINANCE TO REQUIRE FENCES FOR CERTAIN STORABLE AND ABOVE-GROUND POOLS; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Zieg moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance 2023-9.1(b). Roll call vote: Zieg, Bettendorf, Dorn voted YES. Simmons voted No. Motion carried. Zieg moved and Bettendorf seconded a motion to approve Ordinance 2023-9.1(b). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

President Simmons introduced Ordinance 2023-9.1(c), AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND SECTION 9.04 OF THE ZONING ORDINANCE TO PROHIBIT FENCES WITHIN TWO (2) FEET OF PUBLIC SIDEWALKS AND EXEMPT FENCES FROM CERTAIN SETBACK REQUIREMENTS; 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 2023-9.1(c). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Simmons moved and Bettendorf seconded a motion to approve Ordinance 2023-9.1(c). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

President Simmons introduced Ordinance 2023-9.1(d), AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND SECTION 7.02 OF THE ZONING ORDINANCE TO EXEMPT CERTAIN PARCELS IN THE FLEX DISTRICT FROM PARKING REQUIREMENTS AND TO REQUIRE A PARKING SITE PLAN FOR THE REMAINDER OF THE FLEX DISTRICT; TO REPEAL ANY CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Zieg moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance 2023-9.1(d). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Bettendorf moved and Zieg seconded a motion to approve Ordinance 2023-9.1(d). Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

President Simmons introduced Ordinance 2023-9.2, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO APPROVE THE CHANGE OF ZONE OF CERTAIN REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BENNET FROM MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL; TO MAKE FINDINGS; TO AMEND THE ZONING MAP OF THE CITY OF BENNET ACCORDINGLY; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE. Simmons moved and Zieg seconded a motion to waive the three-reading rule for Ordinance 2023-9.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Simmons moved

City of Bennet, Nebraska
City Council
Minutes September 11, 2023
Budget Hearing & Regular Meeting

and Bettendorf seconded a motion to approve Ordinance 2023-9.2. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

President Simmons opened the public hearing for the Bennet One-and Six-Year Street Plan for 2024 at 7:04 p.m. City Engineer Brian Schuele presented the plan. The One Year plan for 2024 consists of general maintenance while the Six Year Plan for 2024-2029 consists of approximately eleven blocks of paving including Cottonwood Street and Tyler Street. Simmons closed the public hearing at 7:10 p.m. Dorn moved and Zieg seconded a motion to approve Resolution 2023-9.2, a resolution adopting the Bennet One- and Six-Year Street Plan for 2024. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Simmons moved and Dorn seconded a motion to approve an additional 1% increase in restricted funds authority. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Zieg seconded a motion to approve Resolution 2023-9.3, a resolution setting the property tax request. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Bettendorf moved and Dorn seconded a motion to approve Resolution 2023-9.4, a resolution to approve the 2023/2024 Budget for the City of Bennet. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The City Council discussed the proposed updated Interlocal Agreement with Lincoln-Lancaster County Health Department. They concurred that they have no interest in entering into an updated agreement with Lincoln-Lancaster County Health Department.

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.

City Clerk Michele Lincoln reported that the Open House/Town Hall for the Downtown Revitalization/Economic Development Plan and Comprehensive Plan is tentatively scheduled for October 10th or 12th.

Engineer Brian Schuele reported that the peak daily water usage was significantly different from the water restrictions.

Submitted reports include Treasurer, Utility Superintendent, Sheriff's Office, Engineer and Planning Commission Minutes from August 16, 2023.

Bettendorf moved and Simmons seconded a motion to adjourn at 7:37 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