

**City of Bennet, Nebraska  
City Council  
Minutes May 13, 2024  
Regular Meeting**

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on May 13, 2024 at 7:00 PM, 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 8, 2024 City Council Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. RESOLUTION 2024-5.1, a resolution appointing Mike Kucera as Utility Superintendent.
- e. RESOLUTION 2024-5.2, a resolution establishing water restrictions (only 1 sod permit at a time)

Simmons 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.

Council Member Dorn and Mayor Cheney met with the League Association of Risk Management (LARM) Agent Clint Simmons to review a LARM proposal for insurance. EMC's 2024 renewal was \$37,415.00 with \$10,000 wind and hail deductible per building and for all roofs over 15 years, replacement was at actual cash value. LARM's proposal with a two-year commitment and 180-day notice for cancelation was \$34,619.62 with only \$1,000 deductible per occurrence versus the \$10,000 per building. LARM will do a complete property assessment of all city-owned property. LARM's policy term is October 1st through September 30th, so this year's premium will be prorated with the renewal on October 1st. Zieg moved and Bettendorf seconded a motion to approve the Agreement for the Establishment and Operation of the League Association of Risk Management. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Bettendorf moved and Dorn seconded a motion to approve Resolution 2024-5.3, a resolution establishing the policy terms with the League Association of Risk Management to provide written notice of termination at least 180 days prior to the desired termination date with a 2-year commitment. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

**City of Bennet, Nebraska**  
**City Council**  
**Minutes May 13, 2024**  
**Regular Meeting**

Fire Chief Luke Baldwin was invited to attend the City Council meeting to discuss the unmetered hydrants on the Bennet Rural Fire Department property. With Bennet's water constraints, the Council felt that knowing how many gallons of water used from the system for fire protection was valuable information. Utility Superintendent Mike Kucera was asked to get a price for a meter that would work on the hydrant in the fire barn.

Boyd Batterman represented Cochrane Corner, LLC in a request to extend the deadline for development of the Cochrane Corner Addition. Ordinance 2022-2.1 approving the Cochrane Corner Addition Final Plat required all improvements to be completed within two years. The economic environment with inflated costs and higher interest rates has not been conducive to installing the required infrastructure improvements, so he is therefore requesting a three-year extension. Mayor Cheney introduced Ordinance 2024-5.1, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, AMENDING AND RESTATING ORDINANCE 2022 - 2.1 PASSED AND APPROVED ON FEBRUARY 14, 2022, ACCEPTING AND APPROVING THE PLAT DESIGNATED AS COCHRANE CORNER ADDITION, FILED IN THE OFFICE OF THE CITY CLERK/TREASURER, UPON CERTAIN CONDITIONS SPECIFIED HEREIN AND PROVIDING FOR SURETIES CONDITIONED UPON THE STRICT COMPLIANCE WITH SUCH CONDITIONS. Zieg moved and Bettendorf seconded a motion to waive the three-reading rule for Ordinance 2024-5.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Dorn moved and Zieg seconded a motion to approve Ordinance 2024-5.1. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. The Subdivision Agreement for Cochrane Corner Addition included the developer installing 260' of water main on Tyler Street. Since the City is moving forward with the Water Main Looping project prior to Cochrane Corner being developed, they will be installing the water main on Tyler Street. The Subdivision Agreement will need to be amended to reflect reimbursement to the City for this portion of the water main. Bid opening for the Water Main Looping project will be prior to the June meeting, so the actual cost will be known to include in the Subdivision Agreement amendment which can be addressed at the June meeting.

Lillie Chambers requested approval for the 4th of July parade route to be on Monroe Street (Hwy 43) from Cottonwood Street to Garden Street. She stated that this is how they did it in the olden days, and they were hoping to draw the parade attendees to the new businesses downtown. They projected the parade would only last 20 minutes and that there would still be access to Hwy 43 at Apple Street and Hackberry Street. The Council discussed the NDOT requirements and the assumption of liability. NDOT requires a request from the City including specific statutory language at least 30 days prior to the event. Zieg moved and Dorn seconded a motion that the City of Bennet would assume liability for the request of State Highway 43 closure and to authorize the Mayor to sign all necessary documentation for the request for closure from Cottonwood Street to Garden Street for the parade on July 4th, 2024. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. With LARM being the City's new insurance carrier, there will be no additional insurance requirements to cover the 4th of July festivities as long as there are no animals involved, which would require a \$50 exclusion, and that the company providing the fireworks includes the City as an additional insured on the Certificate of Liability. With the Celebrate Bennet 4th of July Committee no longer being a part of the Bennet Community Builders Association, (BCBA), they are reluctant to sign the contract for the fireworks display



**City of Bennet, Nebraska**  
**City Council**  
**Minutes May 13, 2024**  
**Regular Meeting**

and requested that the City sign the contract. The BCBA will give the funds for the fireworks to the City to cover the cost. The approval for the fireworks agreement will be on June's agenda. Chambers shared that they were hoping to move all the activities south around the Legion Hall and the fireworks display would be on private property.

Ryan Forney's request to begin a conversation with the City to add an "Art Walk" in the downtown and request for City support or interest in saving the town clock had been submitted to the Planning Commission. The Planning Commission Chair did not think these matters were for the Planning Commission and forwarded them for City Council deliberation. Forney was unable to attend the meeting.

The Council discussed downtown parking and painting lines for parking stalls to allow for more parking in an organized fashion. Engineer Brian Schuele stated he could put together a design sketch.

An ordinance implementing user fees on high-volume water consumers was on the agenda for consideration. Engineer Brian Schuele explained Bennet's situation of approaching the water contract amount and Lancaster Rural Water District #1's(RWD) inability to offer a greater supply. The RWD recommended that we implement a high user fee schedule to encourage customers not to over irrigate. Schuele shared how he came up with his calculations and recommended that customers pay \$25 per 1,000 gallons used over 20,000 gallons. The ordinance also offers incentives for customers that have rain sensors installed by certified professionals. He recommended an August 1st effective date, so the customers could be educated and have time to calibrate their sprinkler systems. Some of the Council were hesitant to approve this ordinance and thought the current water restrictions needed to be enforced more strictly. Mayor Cheney introduced Ordinance 2024-5.2, AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, TO AMEND § 52.02 OF THE CODE OF BENNET TO IMPOSE AN EXCESS RATE ON WATER USAGE OVER 20,000 GALLONS PER MONTH; TO PROVIDE A GOOD CAUSE WAIVER PROVISION; TO PROVIDE A ONE-TIME SOD WAIVER PROVISION; TO PROVIDE A CREDIT FOR USERS WHO INSTALL NEW OR REPLACEMENT RAIN SENSORS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION; AND TO PROVIDE AN EFFECTIVE DATE. Zieg moved and Bettendorf seconded a motion to approve the first reading of Ordinance 2024-5.2. Roll call vote: Zieg, Bettendorf, Dorn voted YES. Simmons voted NO. Motion carried.

The City Office needs repairs and renovations. During a recent storm, water leaked in from the bathroom area, there is mold around the window seals and walls, and they are currently fighting an ant infestation. Lincoln questioned the possibility of renovating the building to increase the footprint to allow for more space. Zieg moved and Pete Simmons seconded a motion to authorize the Mayor to sign a contract to mitigate the ants, mold, and water intrusion for City Hall, not to exceed \$7,500.00. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Submitted reports include Utility Superintendent, Lancaster County Sheriff's Office, Engineer, Code Enforcement Officer, and the minutes from the April 17, 2024, Planning Commission meeting. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Lincoln reported that the SS4A

**City of Bennet, Nebraska  
City Council  
Minutes May 13, 2024  
Regular Meeting**

planning grant agreement has been submitted to NDOT. Zieg reported that he attended a session on the EPIC Option and found it very concerning that the City could lose bonding authority. He encouraged the Council to read up on it.

Dorn moved and Zieg seconded a motion to adjourn at 8:44. 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