

City of Bennet, Nebraska
City Council
Minutes March 11, 2024
Regular Meeting

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on March 11, 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 February 28, 2024, City Council Emergency/Special Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. **RESOLUTION 2024-3.1**, A resolution proclaiming the intent of the City of Bennet to begin municipal solid waste collection within the corporate limits of the City of Bennet.
- e. **RESOLUTION 2024-3.2**, a resolution approving a Permit to Occupy or Use City Road Right-of-Way by Unite Private Networks to place an underground bored conduit with fiber cable.
- f. Approval of Right-of-Way Contract for a permanent easement with Lancaster County on part of Lot 43, Irregular Tracts, located in SE 1/4 of Section 2, Township 8 North, Range 8 East of the 6th Principal Meridian, Lancaster County.
- g. **RESOLUTION 2023-3.3**, A resolution hiring Transfer Site Attendants and establishing the salary.

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.

The Bennet Builders Association had an alternate location for the preschool playground equipment in Bennet Park they were requesting approval for. Larry Kramer was in attendance representing the Bennet Builders Associations request. Their alternate location would be located between the monkey bars and the swings, which would allow the monkey bars to remain there, but there had been concern about the required "fall zone" around the equipment. Engineer Brian Schuele supplied a diagram prepared by an Olsson specialist showing the appropriate fall zone for the existing swings and monkey bars. There was discussion about the liability of the antiquated monkey bars. Bettendorf moved and Zieg seconded a motion to remove the monkey bars and to install the new preschool playground equipment in close proximity to where the existing monkey bars are in Bennet Park. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

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Janice Znamenacek of 360 Cottonwood requested approval to place a memorial bench in Bennet Park for her husband Roger. Janice was unable to attend the meeting, but her daughter was there on her behalf. The Council was appreciative of the donation. They would like it installed on a concrete pad and thought it would make a good addition around the area of the new preschool playground equipment that is going to be installed. They suggested that Janice pick out the type of bench she would like and get together with the Park Committee for appropriate placement and installation.

Lillie Chambers came to the Council to discuss the 2024 4th of July festivities and the involvement of the City. The Celebrate Bennet 4th of July Committee had announced their disbandment last year and were in hopes of finding volunteers to take it over. A couple of people have volunteered to co-chair the event but would not be sponsored under the umbrella of the Bennet Builders for funds or insurance. The Fireworks Committee was planning on fireworks in which they provide their own insurance, the American Legion would do the flag retirement and the BMX show was scheduled to attend and provide their own insurance with the City listed as an additional insured. Chambers questioned whether the City would be providing the insurance for the parade. Lincoln thought that this was already part of the regular policy as they always question about community events, but she would confirm with the carrier. Chambers asked whether the approximately \$19,000 allocated for the 4th of July celebration could be given to the City to fund the event. The annual event usually costs between \$15,000 and \$17,000 a year. Attorney Solheim was hesitant about co-mingling these funds with City funds and suggested that they set up an LLC. Chambers stated she felt that would be too much to ask of the new volunteers and that they may not be interested in pursuing it if that was the case. The Council hoped to find a creative way to make it work and thanked the Committee for assisting another year.

Simmons moved and Bettendorf seconded a motion to approve RESOLUTION 2024-3.4, a resolution approving the Henry Addition Final Plat. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Mayor Cheney opened a Public Hearing for the purpose of hearing testimony regarding a Conditional Use Application from Ryan Forney to allow a Live-Work Unit Dwelling in the Flex District as per Section 5.06 of the Bennet Zoning Ordinance on Lot 10-12, Block 42, Bennet, commonly known as 415 Fir Street at 7:31 pm. The Public Hearing was closed at 7:42 p.m. Dorn moved and Simmons seconded a motion to approve the Conditional Use Application from Ryan Forney to allow a Live-Work Unit Dwelling in the Flex District as per Section 5.06 of the Bennet Zoning Ordinance on Lot 10-12, Block 42, Bennet, commonly known as 415 Fir Street based on the recommendation of the Planning Commission; that the use was in conformity with the Comprehensive Plan and zoning requirements; with the conditions that all city, county, and state building, safety, fire and health codes are met and approved by the respective inspectors. Roll call vote: Simmons, Dorn, Cheney voted YES. Bettendorf voted No. Zieg abstained. Motion carried.

Ryan Forney, business owner of 415 Fir Street, requested Ordinance 2023-9.1(d) be amended to include 415 Fir Street with the modified parking requirements within the Flex District. Ordinance 2023-9.1(d) removed the parking requirements from a portion of the Flex district west of Monroe Street, but did not include the Flex district east of Monroe Street. An amendment to the Zoning Ordinance requires an application with a public hearing before the Planning Commission and the City Council. Forney shared that he would like to work with the City to expand the parking on the north side

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of his building and with NDOT to see if he could get parallel parking on the west side. Bettendorf questioned how many spaces were needed. Forney replied 16, they have 5 spaces and could get 9 across. Engineer Brian Schuele shared that the purpose of downtown parking area is that it is a general area shared among multiple businesses and stated that he was willing to meet with the Forney's to review the situation.

The development fees for the new subdivisions will be reviewed by the Utility Committee. Engineer Brian Schuele provided spreadsheets that showed what fees would have been generated from the Evergreen Place and Cedar Brook Additions with the rates Springfield, Hickman, and Waverly use.

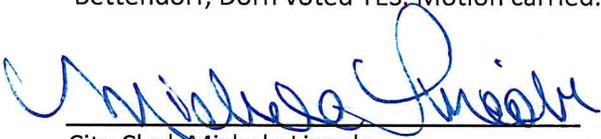
The Master Fee Schedule was amended to include an increase in dump fees as a result of increased wages for the Transfer Site Attendants. Zieg moved and Bettendorf seconded a motion to approve RESOLUTION 2024-3.5, a resolution approving the Master Fee Schedule. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

The Council discussed the annual Clean-Up Day. Usually the date coincides with Earth Day, but due to school activities, there is concern that there would not be enough volunteers available. In the past, the event was funded by grants from Lancaster County, but it is not known if those grants will be available. Lancaster County was focusing on a tire initiative this year. Lincoln shared that the school had reached out regarding their Community Service Day, April 26th, and that they would be available to help Bennet for half a day. The Council agreed to change the Clean-Up Day to April 27th; to see if the school would be willing to help with trash pickup in the parks & ditches on the 26th for their Community Service Day; to proceed with the Clean-Up Day regardless if the grant funds were available; to not have a tire collection or shredding; and to include the electronic recycling.

Sample LB840 Local Option Municipal Economic Development Act plans have been provided by Attorney Solheim. Solheim stated that they are drafted to be very broad. The Council was reluctant to entertain an additional tax with all the pending taxing changes. They agreed to revisit the topic in six months.

Bettendorf moved and Zieg seconded a motion to approve the Johnson Services estimate for Phase 2 sanitary sewer lining in the amount of \$15,051.00. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried. Zieg moved and Dorn seconded a motion to approve the estimate from Johnson Services for Phase 2 sanitary sewer manhole rehab in the amount of \$27,245.00. Roll call vote: Simmons, Zieg, Bettendorf, Dorn voted YES. Motion carried.

Zieg moved and Simmons seconded a motion to adjourn at 8:18 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