

City of Bennet  
City Council  
**NOTICE OF MEETING**  
February 28, 2024  
Emergency/Special Meeting  
7:00 PM

Bennet City Hall, 685 Monroe, Bennet, NE 68317

**REGULAR MEETING**

**AGENDA**

1. ROLL CALL AND PUBLIC MEETINGS LAW NOTIFICATION
2. MINUTES of February 12, 2024, City Council Regular Meeting Approval.
3. PRESIDING OFFICER PUBLIC COMMENT ANNOUNCEMENT.
4. TOWN HALL MEETING REGARDING GARBAGE TRANSFER SITE
  - \* Staffing Issues
  - \* Review current dump fees.
  - \* Discuss curbside pickup with franchise agreement versus transfer site.
  - \* Discuss coordination of brush pile if a curbside franchise is pursued.
5. Council action regarding the Garbage Transfer Site and/or approval of a Franchise Agreement with Uribe Refuse Services, Inc. for City wide curbside waste collection.
6. ADJOURNMENT

\*Meeting agendas are kept continuously current and available for public inspection at the offices of the City Clerk. All sessions of the Bennet Mayor and City Council remain open to the attendance of the public, but the Council reserves the right to go into closed session subject to the Open Meetings Act

**City of Bennet, Nebraska  
City Council  
Minutes February 12, 2024  
Regular Meeting**

The Bennet City Council (the "Council") of the City of Bennet, Nebraska (the "City") held a regular business meeting on February 12, 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, and Mayor Ryan Cheney. Justin Dorn 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. The Pledge of Allegiance was recited.

**CONSENT AGENDA**

- a. MINUTES of January 8, 2024, City Council Regular Meeting Approval
- b. CLAIMS FOR PAYMENT
- c. TREASURER'S REPORT
- d. RESOLUTION 2024-2.1, A Resolution approving a Block Party Application from Bennet Fire & Rescue to hold a fundraiser on Fir Street from Monroe Street to Van Buren Street and on Quincy Street from Elm Street to Fir Street on June 1, 2024.

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 voted YES. Motion carried.

Michael Hoback with AMGL, P.C. presented the audit report for fiscal year 2022/2023. Per capita our valuation is much higher than the average. The unrestricted net position is a little lower than recommended. Bennet has been consistent with spending over the years and has little debt to valuation. The levy rate is about 10.5 cents below other cities our size. The sewer rate increase implemented in April of 2023 helped the sewer fund. They recommend that we review water, sewer and trash rates for possible increases and that we increase our capitalization policy from \$1,000 to \$2,500.00 or \$5,000.00.

Dan Rosenthal with REGA Engineering Group, Inc. presented the Henry Addition Preliminary Plat pointing out that they had added phase 1 and phase 2. Zieg moved and Bettendorf seconded a motion to approve Henry Addition Preliminary Plat. Roll call vote: Simmons, Zieg, Bettendorf voted YES. Motion carried. Since there was a question on whether a subdivision agreement or escrow were needed and no resolution had been made for approval, the Henry Addition Final Plat will be on the March agenda. Engineer Brian Schuele stated that there wasn't a need for a subdivision agreement or escrow.

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Zieg moved and Bettendorf seconded a motion to adopt the December 2023 Downtown Economic Development Plan drafted by the UNL CRPL 990 Planning Studio. Roll call vote: Simmons, Zieg, Bettendorf voted YES. Motion carried.

Lincoln shared that District OR-1 Superintendent Michael Hart started the conversation of creating a Community Based Daycare to address the desperate need for daycare in Bennet. The Regional Childcare Survey completed in October 2023 and the Community Survey for the Comprehensive Plan and Downtown Economic Development Plan both provide the documentation to support the need. Lincoln questioned whether the Council was willing to support the initiative to establish a community-based daycare. The Council agreed that they support the concept, but not sure at what capacity they could support it. They were concerned about venturing into an area of funding and questioned the difference in funding a daycare versus other private businesses.

Lincoln told the Council about the Local Option Municipal Economic Development Act (LB840) which authorizes cities to collect a tax for economic development purposes if voters approve. To implement an LB840 program there must be a written economic development plan for the collection and expenditure of local tax revenues for economic development. Attorney Solheim offered to get some sample LB840 plans. These will be reviewed at the next meeting.

Councilman Bettendorf suggested having the Utility Committee meet with Allo Communications on the feasibility of providing internet access to Bennet citizens. The Utility Committee will initiate a conversation with Allo Communications and report back to the Council.

Zieg moved and Simmons seconded a motion to approve the Master Agreement Work Order with Olsson for SCADA Services. Roll call vote: Simmons, Zieg, Bettendorf voted YES. Motion carried. This is to allow Olsson to put together a detailed RFP and assist in the process of updating a number of outdated components for the Wastewater Treatment Plant, Lift Station, and Water Tower.

Engineer Brian Schuele questioned whether the Council would consider purchasing an asphalt crack sealing machine to be cost shared with surrounding communities. If five or six communities went in on the purchase, use and maintenance of a machine it could be a considerable cost savings for asphalt sealing. An interlocal agreement between the communities to address the specifics of the use, repair, maintenance and where it would be housed would need to be established. The Council agreed that they were interested in pursuing the idea.

The Bennet Builders Association had an alternate location for the Preschool Playground Equipment in Bennet Park they were requesting approval for. Deb Boell was in attendance representing the Bennet Builders Associations request. Their alternate location would be

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located between the monkey bars and the swings which would allow the monkey bars to remain there. She said there were a lot of people that would like the monkey bars to remain. Josh Buck stated that there is a "fall zone" that is required around playground equipment, and he didn't think there would be enough space. Engineer Brian Schuele said that Olsson had a playground specialist and that he would confer with him. This will be further discussed next month.

The Council reviewed the Master Fee Schedule as revised by the Utility Committee. They pointed out that the biggest amendments were to the garbage fees and building fees. Zieg moved and Bettendorf seconded a motion to approve Resolution 2024-2.2, a resolution adopting the Master Fee Schedule. Roll call vote: Simmons, Zieg, Bettendorf voted YES. Motion carried.

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 Council discussed the Garbage Transfer Site. A new Transfer Site Attendant was hired and scheduled to start February 13<sup>th</sup>. The previous month the Council discussed getting proposals from service providers for a franchise agreement for city wide curbside service. Nebraska State Statute 18-1752.02 requires municipalities to pass a proclamation one year in advance of commencing municipal solid waste collection unless they contract with the private entity currently providing service to the community. They decided to have the proclamation on the agenda for next month's meeting, but to reach out to Uribe Refuse Services, Inc. to see what they would be willing to do with a franchise agreement. The Council agreed that it was time to start the process of having the conversation with the community.

Submitted reports include Utility Superintendent, Lancaster County Sheriff's Office, Engineer, and January 17, 2024 Planning Commission minutes. Zieg requested an update on the Safe Streets for All (SS4A) grant. Lincoln reported that she had done an initial federal grant webinar and that there was a kick-off meeting scheduled with the State Division Officer on completing the grant agreement the following Friday.

Mayor Cheney announced that Russ Jones had submitted his resignation as Utility Superintendent, thanked him for his years of service, stated that he was great help and congratulated him on his new position.

Zieg moved and Simmons seconded a motion to adjourn at 8:41 p.m. Roll call vote: Simmons, Zieg, Bettendorf voted YES. Motion carried.



City Clerk Michele Lincoln  
City of Bennet, NE



Mayor, Ryan Cheney  
City of Bennet, NE

## RESOLUTION NO. 2023-7.1

### A RESOLUTION OF THE CITY OF BENNET, NEBRASKA, ESTABLISHING PUBLIC PARTICIPATION GUIDELINES DURING PUBLIC MEETINGS.

In accordance with the Open Meetings Act of the State of Nebraska Neb. Rev. Stat. § 84-1407 et seq. (Act), which provides that every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as other-wise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act, which provides that a body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. The Bennet City Council has adopted the following policy for public participation at meetings of all the city's authorities, boards and commissions which qualify as a meeting under the Act:

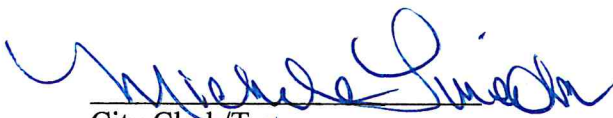
1. Attendance
  - a. Members of the public are permitted to attend meetings of the City Council and other authorities, boards and commissions which are open to the public.
  - b. Members of the public will not be required to identify themselves as a condition for admission to a meeting.
2. Speaking
  - a. For meetings at which a public comment period is offered, the public comment period will be set by the Presiding Officer at the beginning of the meeting. The Presiding Officer shall state which agenda items public comment will be received on and maximum amount of time for each speaker. The Presiding Officer shall have the discretion to adjust the amount of time set for public comments.
  - b. Any person wishing to speak shall first obtain the floor by being recognized by the Presiding Officer and will be handled on a first come, first served basis.
  - c. Every member of the public addressing the public body shall begin by stating his or her name, address (unless the address requirement is waived to protect the security of the individual) and the name of any organization represented by such person, for the purpose of maintaining a proper record.
  - d. The purpose of addressing the city's authorities, boards and commissions is to communicate formally with them regarding matters that relate to City business. Persons addressing the City on an agenda item shall confine their remarks to the matter under consideration, be concise, and limit comment to the amount of time set by the presiding officer.
  - e. All remarks made shall be addressed to the Council, Committee or Board as a body and not to any individual member thereof, staff, or public in attendance.
  - f. The public body is not required to respond to any comments made; although, a question from the public body may be directed toward the citizen for clarification about a point made in their statement.
3. All members of the public in attendance and those speaking are required to be courteous and respectful to others in attendance and to the members of the public

body. Members of the public are not allowed to interrupt other speakers or public body members, to threaten the safety of meeting attendees, to behave in a hostile or disruptive manner.

4. Members of the audience and speakers shall not engage in disorderly or boisterous conduct; including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the public meeting unfeasible.
5. Persons attending the meeting shall be required to mute their cell phones.
6. Side conversations in the public meetings area are prohibited.
7. Persons in violation of this policy will be warned by the Presiding Officer that they are "out of order". If the member of the audience or speaker continues with the disruption, they may be removed from the meeting by order of the Presiding Officer.
8. The City Council may, at any time, make and enforce other rules regarding the conduct of persons attending or speaking at the local public meetings that are not in conflict with current Federal Law, the Constitution of Nebraska, or the Nebraska Open Meetings Act.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENNET, NEBRASKA, THAT RESOLUTION 2023-7.2 SHALL BE APPROVED AND EFFECTIVE UPON PASSAGE.

PASSED AND APPROVED THIS 18<sup>h</sup> day of July, 2023



City Clerk/Treasurer  
City of Bennet, NE



Mayor  
City of Bennet, NE



## City of Bennet Garbage Budget vs. Actual YTD October 1, 2023 through February 27, 2024

	Oct 1, '23 - Feb...	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4000 · Personal &amp; Real Property Taxes</b>				
<b>4020 · Other Taxes</b>				
Occupation/Franchise Taxes	895.72	0.00	895.72	100.0%
<b>Total 4020 · Other Taxes</b>	895.72	0.00	895.72	100.0%
<b>Total 4000 · Personal &amp; Real Property Taxes</b>	895.72	0.00	895.72	100.0%
<b>4500 · Local Receipts</b>				
<b>4550 · Local Receipts Other</b>				
<b>4553 · Charges &amp; Fees for Services</b>				
Garbage Fees	30,740.15	61,500.00	-30,759.85	50.0%
<b>Total 4553 · Charges &amp; Fees for Services</b>	30,740.15	61,500.00	-30,759.85	50.0%
<b>Total 4550 · Local Receipts Other</b>	30,740.15	61,500.00	-30,759.85	50.0%
<b>Total 4500 · Local Receipts</b>	30,740.15	61,500.00	-30,759.85	50.0%
<b>Total Income</b>	31,635.87	61,500.00	-29,864.13	51.4%
<b>Gross Profit</b>	31,635.87	61,500.00	-29,864.13	51.4%
<b>Expense</b>				
<b>5000 · Governmental Activities</b>				
<b>5100 · General Government</b>				
<b>Payroll Taxes &amp; Benefits</b>				
Medicare	22.27	0.00	22.27	100.0%
Retirement	8.03	0.00	8.03	100.0%
Social Security	95.24	0.00	95.24	100.0%
<b>Total Payroll Taxes &amp; Benefits</b>	125.54	0.00	125.54	100.0%
<b>Total 5100 · General Government</b>	125.54	0.00	125.54	100.0%
<b>Total 5000 · Governmental Activities</b>	125.54	0.00	125.54	100.0%
<b>6000 · Business Type Activities</b>				
<b>6500 · Solid Waste-Garbage</b>				
Equipment Rental	390.00	1,050.00	-660.00	37.1%
Garbage Service	10,119.20	25,000.00	-14,880.80	40.5%
Insurance	7,483.00	7,000.00	483.00	106.9%
O/R&M Equipment	0.00	250.00	-250.00	0.0%
O/R&M Property	0.00	250.00	-250.00	0.0%

**City of Bennet**  
**Garbage Budget vs. Actual YTD**  
 October 1, 2023 through February 27, 2024

	Oct 1, '23 - Feb...	Budget	\$ Over Budget	% of Budget
<b>Payroll Salaries &amp; Wages</b>				
With IRA	2,420.16	0.00	2,420.16	100.0%
Without IRA	7,133.08	0.00	7,133.08	100.0%
Payroll Salaries & Wages - Other	0.00	24,750.00	-24,750.00	0.0%
<b>Total Payroll Salaries &amp; Wages</b>	9,553.24	24,750.00	-15,196.76	38.6%
<b>Payroll Taxes &amp; Benefits</b>				
Medicare	116.25	0.00	116.25	100.0%
Retirement	64.57	0.00	64.57	100.0%
Social Security	497.06	0.00	497.06	100.0%
<b>Total Payroll Taxes &amp; Benefits</b>	677.88	0.00	677.88	100.0%
<b>Professional Fees</b>				
Accounting	810.00	2,400.00	-1,590.00	33.8%
<b>Total Professional Fees</b>	810.00	2,400.00	-1,590.00	33.8%
<b>Supplies-General</b>	1,040.61	500.00	540.61	208.1%
Telephone/Fax	218.74	700.00	-481.26	31.2%
Utility-Electric	420.84	1,000.00	-579.16	42.1%
<b>Total 6500 · Solid Waste-Garbage</b>	30,713.51	62,900.00	-32,186.49	48.8%
<b>Total 6000 · Business Type Activities</b>	30,713.51	62,900.00	-32,186.49	48.8%
<b>Total Expense</b>	30,839.05	62,900.00	-32,060.95	49.0%
<b>Net Ordinary Income</b>	796.82	-1,400.00	2,196.82	-56.9%
<b>Other Income/Expense</b>				
Other Expense				
Fund Balance Transfer	1,435.78	0.00	1,435.78	100.0%
<b>Total Other Expense</b>	1,435.78	0.00	1,435.78	100.0%
<b>Net Other Income</b>	-1,435.78	0.00	-1,435.78	100.0%
<b>Net Income</b>	<b>-638.96</b>	<b>-1,400.00</b>	<b>761.04</b>	<b>45.6%</b>

**Per Residential Customer  
Refuse Site - 209 Customers**

**Monthly Fee Annual Fee**

New Rate effective April 1, 2024	\$20.00	\$240.00	
With Uribe Curbside Service	\$22.00	\$264.00	
Increase	\$2.00	\$24.00	
<b>Citywide Refuse to Curbside Increase</b>			<b>\$5,016.00</b>
<b>Current Uribe Curbside Customers - 181 Customers</b>	\$26.00	\$312.00	
New Rate	\$22.00	\$264.00	
Savings	\$4.00	\$48.00	
<b>Citywide Uribe Customer Savings</b>			<b>\$8,688.00</b>

