

City of Bennington
City Council Meeting Minutes
Monday, June 10, 2019; 6:30 p.m.
City Office, 15505 Warehouse Street
Bennington, NE
402-238-2375

Call to Order - Roll Call – Open Meetings Act

Mayor Matt John called the regular monthly meeting to order on Monday, June 10, 2019 at 6:30 p.m. In attendance were City Council members, Kaye Bridgeford, Zac Johns and Shane Pekny. City Clerk Mindi Laaker identified the location of the Open Meetings Act that is available to the public.

Approval of Consent Agenda

- A. May 13, 2019 City Council Meeting Minutes
- B. May 17, 2019 City Council Emergency Meeting Minutes
- C. May 2019 Bills Paid
- D. Keno Receipts: May 8.75%: \$3,341.01

BILLS PAID IN MAY

CITY

MUD	61.95
BENNINGTON SCHOOLS	200.00
NEBRASKA DEPT OF REVENUE	763.24
EDWARD JONES	1,118.05
U.S. DEPT OF TREASURY	2,780.52
MINDI LAAKER	1,367.70
JENNIFER RAUSCHER	340.88
COX BUSINESS SERVICES	88.42
OPPD	22.93
DOUGLAS COUNTY POST GAZETTE	127.12
YOUNG & WHITE LAW OFFICES	2,328.70
COX BUSINESS SERVICES	75.60
EDWARD JONES	1,128.09
U.S. DEPT OF TREASURY	2,857.22
MINDI LAAKER	1,367.68

JENNIFER RAUSCHER	313.63
GREAT AMERICA FINANCIAL SERVICE	75.35
JEO CONSULTING, INC.	8,158.75
INSPRO INC	1,950.00
INSPRO INC	36,327.00
PLIC-SBD GRAND ISLAND	38.46
UHS PREMIUM BILLING	951.25
OPPD	347.98
EDWARD JONES	1,253.03
U.S. DEPT OF TREASURY	7,067.10
MINDI LAAKER	1,442.09
JENNIFER RAUSCHER	236.18
AMAZON CREDIT PLAN	131.30
OFFICE DEPOT	43.69
RELIANCE STANDARD	116.63
NEBRASKALAND NATIONAL BANK	187,954.89
NEBRASKA DEPT OF REVENUE	84.98
CITY TOTAL	261,120.41
 <u>SEWER</u>	
ONE CALL CONCEPTS	51.49
CITY OF OMAHA CASHIER	19,062.94
PEOPLE SERVICE	1,145.00
SEWER TOTAL	20,259.43
 <u>LIBRARY</u>	
LISA FLAXBEARD	13.98
JOANNE MANCUSO	83.18

COX BUSINESS SERVICES	72.57
MUD	144.55
SAC MUSEUM	284.10
LISA FLAXBEARD	26.76
LISA FLAXBEARD	1,277.09
JOANNE MANCUSO	434.40
CHASE MARTIN	338.36
DALENE CLARK	552.01
BAKER & TAYLOR	340.38
DEMCO	912.47
RECORDED BOOKS INC	92.20
COX BUSINESS SERVICES	180.00
DALENE CLARK	587.49
LISA FLAXBEARD	1,277.09
JOANNE MANCUSO	353.91
CHASE MARTIN	336.07
BOUND TO STAY BOUND BOOKS, INC.	160.78
OFFICE DEPOT	219.24
PENWORTHY	102.81
BAKER & TAYLOR	331.32
INGRAM	362.57
PLIC -SBD GRAND ISLAND	38.46
UHS PREMIUM BILLING	917.38
OPPD	138.60
DALENE CLARK	412.07
LISA FLAXBEARD	1,347.04
JOANNE MANCUSO	391.71

CHASE MARTIN	488.54
AMAZON CREDIT PLAN	344.42
COX BUSINESS SERVICES	72.50
RELIANCE STANDARD	103.70
LIBRARY TOTAL	12,737.75

POLICE

MUD	144.55
US BANK VOYAGER FLEET SYST	85.28
VERIZON	249.47
CALIBRE PRESS	179.00
MARK KULA	196.01
DONALD MCGUIRE	285.25
TIMOTHY PITTMAN	1,373.04
SHEA DEGAN	69.14
ANDREW HILSCHER	138.31
CULLIGAN OF OMAHA	10.00
MUD	129.00
OLD REPUBLIC SURETY GROUP	200.00
COX BUSINESS SERVICES	138.64
SHEA DEGAN	90.77
ANDREW HILSCHER	138.30
MARK KULA	196.01
DONALD MCGUIRE	86.44
TIMOTHY PITTMAN	1,373.05
MARK SUNDERMEIER	230.38
CUBBY'S	348.91

COAST TO COAST SOLUTIONS	403.26
BENNINGTON AUTO	59.94
MARK KULA	415.20
PLIC -SBD GRAND ISLAND	38.46
UHS PREMIUM BILLING	802.06
US BANK VOYAGER FLEET SYST	52.96
OPPD	271.76
SHEA DEGAN	172.87
ANDREW HILSCHER	138.31
MARK KULA	349.22
JOHN LICHTY	56.43
DONALD MCGUIRE	129.66
TIMOTHY PITTMAN	1,431.70
TIMOTHY PITTMAN	1,741.91
TIMOTHY PITTMAN	5,404.24
MARK SUNDERMEIER	167.23
LOCK-CRAFTERS, LLC.	115.00
RELIANCE STANDARD	85.14
POLICE TOTAL	17,496.90

PARKS

COX BUSINESS SERVICES	26.95
MUD	145.95
VERIZON	21.57
HIGH PLAINS BIOCHAR	622.90
JOHN BOHRER	930.23
STEVEN BOULTON	967.13

JACOB HYTREK	206.09
NATHAN JOHNSON	263.58
CULLIGAN OF OMAHA	5.00
FORESTRY SUPPLIERS, INC.	293.16
HOME DEPOT	114.40
JD SERVICES LLC	16.00
JOHN DEERE FINANCIAL	1,452.00
KNUDSEN OIL & FEED	301.00
OMAHA DOOR & WINDOW	183.30
KUBOTA OF OMAHA	127.80
JOHN BOHRER	936.02
STEVEN BOULTON	967.16
STUART ELLISON	220.99
JACOB HYTREK	270.45
NATHAN JOHNSON	304.41
JOHN BOHRER	51.35
ELLEN DAHLSTET	840.80
AMERICAN LEGION	33.00
CLASSIC VIBURNUMS	1,783.35
NMC EXCHANGE LLC	2,495.00
PLAINS EQUIPMENT GROUP	3.07
RAINBOW TREECARE	4,107.41
JOHN A BOHRER	56.25
BARCO MUNICIPAL PRODUCTS INC.	370.20
CUBBY'S	193.39
PLIC -SBD GRAND ISLAND	38.46
ROB'S OIL COMPANY, INC.	85.54

UHS PREMIUM BILLING	589.54
OPPD	572.97
JOHN BOHRER	1,025.84
STEVEN BOULTON	1,000.50
JACOB HYTREK	244.95
NATHAN JOHNSON	270.15
COX BUSINESS SERVICES	26.95
DESIGN 8	275.00
JEFF JONES	150.00
MINDI LAAKER	603.09
KUBOTA OF OMAHA	49.88
MENDARDS	57.76
PORT A JOHNS INC.	100.00
RELIANCE STANDARD	210.08
PARKS TOTAL	23,610.62

STREETS

COX BUSINESS SERVICES	26.95
MUD	84.00
VERIZON	21.57
HIGH PLAINS BIOCHAR	155.73
CULLIGAN OF OMAHA	5.00
HOME DEPOT	78.80
JD SERVICES LLC	4.00
OMAHA DOOR & WINDOW	183.30
UNIQUE PAVING MATERIALS CORP.	1,299.20
AMERICAN LEGION	33.00

JEO CONSULTING, INC.	675.00
PLAINS EQUIPMENT GROUP	3.07
BARCO MUNICIPAL PRODUCTS INC.	370.21
CUBBY'S	119.43
ROB'S OIL COMPANY, INC.	342.15
UHS PREMIUM BILLING	589.54
OPPD	4,471.79
COX BUSINESS SERVICES	26.95
DESIGN 8	275.00
MENARDS	14.44
MICHAEL TODD & COMPANY	629.68
STREETS TOTAL	9,408.81
CITY	261,120.41
SEWER	20,259.43
LIBRARY	12,737.75
POLICE	17,496.90
PARKS	23,610.62
STREETS	9,408.81
TOTAL OF ALL BILLS	344,633.92

Motion by Pekny, second by Bridgeford to approve the consent agenda. All voted in favor and the motion carried.

Council Vacancy Ward 1 – Jody Stier

Motion by Bridgeford, second by Pekny to approve Jody Stier to fill the City Council Ward 1 vacancy. Roll call vote: Bridgeford – yes, Mayor John – yes (per Neb. Rev. Stat. 17-110), Johns – abstained, Pekny – yes. Motion carried.

Oath of Office

City Attorney Jeff Miller administered the Oath of Office for appointed Council Member Jody Stier.

Creation of Street Improvement District No. 2019-01

City Attorney Jeff Miller explained that the District was created for a Prairie Hollow cost share for general obligation public infrastructure.

There were no written objections, and no public hearing was held.

Motion by Johns, second by Pekny to approve Street Improvement District No. 2019-01. All voted in favor and the motion carried.

Consideration of Ordinance No. 474 Amending the Bennington Zoning Map including Corrective Rezoning and Rezoning to TA Transitional Agriculture for Properties newly included via the new Extraterritorial Jurisdiction Boundary Adjustments in Sections 12, 13, 15, 16, 22, and 23, T16N, R11E of the 6th P.M., Douglas County, NE

City Attorney Miller presented the Zoning Map changes made due to the Bennington and Omaha realigned extraterritorial jurisdiction boundaries.

John opened a public hearing and there were no comments.

Motion by Bridgeford, second by Pekny to introduce and waive three readings of Ordinance No. 474 AN ORDINANCE AMENDING THE ZONING MAP IN CITY OF BENNINGTON ORDINANCE NO. 460 CONSISTING OF CORRECTIVE REZONINGS AND REZONINGS TO TA TRANSITIONAL AGRICULTURE FOR PROPERTIES NEWLY INCLUDED ON THE BENNINGTON ZONING MAP VIA THE NEW EXTRATERRITORIAL JURISDICTION BOUNDARY ADJUSTMENTS IN SECTIONS 12, 13, 15, 16, 22, AND 23, T16N, R11E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. The City Clerk read the ordinance by title. All voted in favor and the motion carried.

Motion by Pekny, second by Johns to approve and adopt Ordinance No. 474. All voted in favor and the motion carried.

Consideration of Ordinance No. 477 Amending the Bennington 2018 Comprehensive Plan and Future Land Use Map for Low Density Residential Designations for properties newly included via the new Extraterritorial Jurisdiction Boundary Adjustments in Sections 12, 13, 15, 16, 22, and 23, T16N, R11E of the 6th P.M., Douglas County, NE and for the properties along North 156th Street and south of Bennington Blvd., and amending all Maps in the 2018 Comprehensive Plan to incorporate the new Extraterritorial Jurisdiction Boundary Adjustments and the new Corporate Limits Changes

City Attorney Jeff Miller presented changes and updates to all maps as presented.

John opened a public hearing and there were no comments.

Motion by Bridgeford, second by Pekny to introduce and waive the three readings of Ordinance No. 477 AN ORDINANCE AMENDING THE BENNINGTON 2018 COMPREHENSIVE PLAN AND FUTURE LAND USE MAP FOR PROPERTIES ALONG NORTH 156TH STREET AND SOUTH OF BENNINGTON BOULEVARD; AMENDING THE BENNINGTON 2018 COMPREHENSIVE PLAN AND FUTURE LAND USE MAP FOR LOW DENSITY RESIDENTIAL DESIGNATIONS FOR PROPERTIES NEWLY INCLUDED VIA THE EXTRATERRITORIAL JURISDICTION BOUNDARY ADJUSTMENTS IN SECTIONS 12, 13, 15, 16, 22, AND 23, T16N, R11E, OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA; AND AMENDING ALL MAPS IN THE BENNINGTON 2018 COMPREHENSIVE PLAN TO INCORPORATE THE NEW EXTRATERRITORIAL JURISDICTION BOUNDARY ADJUSTMENTS AND THE NEW CORPORATE LIMITS CHANGES. The City Clerk read the ordinance by title. All voted in favor and the motion carried.

Motion by Johns, second by Pekny to approve and adopt Ordinance No. 477. All voted in favor and the motion carried.

Bennington Road Sidewalk Agreement with Ridgewood HOA

Motion by Bridgeford, second by Pekny to approve the agreement as presented. All voted in favor and the motion carried.

Interlocal Cooperation Agreement with Douglas County for Police/Law Enforcement Services via the Douglas County Sheriff Department

The agreement is a temporary solution as the City recruits and hires a new Police Chief. Douglas County will rotate 80 hours per week. Current part time officers are encouraged to return when a Police Chief has been hired.

Motion by Bridgeford, second by Pekny to approve the agreement as presented. Roll call vote: Bridgeford – yes, Johns – no, Pekny – yes, Stier – yes. Motion carried.

Ordinance No. 476 Regarding Fireworks Restrictions

Firework sales will be allowed June 25 through July 4 and December 29 through January 1 and only during the hours of 10:00 a.m. through 10:00 p.m., except that on July 4 and December 31, consumer fireworks may be discharged from 10:00 a.m. through 12:00 midnight.

Motion by Bridgeford, second by Pekny to introduce and waive three readings of Ordinance No. 476 AN ORDINANCE AMENDING SECTION 7-101 OF ARTICLE I OF CHAPTER VII OF THE CITY OF BENNINGTON MUNICIPAL CODE REGARDING THE REGULATION OF THE USE, SALE, AND POSSESSION OF FIREWORKS AND ESTABLISHING DATE AND TIME RESTRICTIONS ON THE DISCHARGE OF CONSUMER FIREWORKS. The City Clerk read the ordinance by title. All voted in favor and the motion carried.

Motion by Bridgeford, second by Pekny to approve and adopt Ordinance No. 476. All voted in favor and the motion carried.

Ordinance No. 478 Amending the Municipal Code regarding the Library Board and Personnel

The Library Board shall have the authority to appoint all library employees. Hiring a librarian and approval of a personnel administrative or compensation policy or procedure is subject to the approval of the City Council.

Motion by Pekny, second by Bridgeford to introduce and waive three readings of Ordinance No. 478 AN ORDINANCE AMENDING SECTION 1-601 OF ARTICLE VI OF CHAPTER I OF THE CITY OF BENNINGTON MUNICIPAL CODE REGARDING THE CITY'S LIBRARY BOARD AND IT MEMBERS, TERMS AND DUTIES. The City Clerk read the ordinance by title. All voted in favor and the motion carried.

Motion by Pekny, second by Johns to approve and adopt Ordinance No. 478. All voted in favor and the motion carried.

Ordinance No. 479 Amending the Municipal Code regarding Building Permits, Application, Void Permits, Suspension and Revocation and Duplicates

Motion by Pekny, second by Johns to introduce and approve the first reading of Ordinance No. 479 AN ORDINANCE AMENDING SECTIONS 4-103 AND 4-105 OF ARTICLE I OF CHAPTER IV OF THE CITY OF BENNINGTON MUNICIPAL CODE REGARDING REQUIRED BUILDING PERMITS, APPLICATION, VOID PERMITS, SUSPENSION OR REVOCATION, AND DUPLICATES TO COUNTY ASSESSOR. The City Clerk read the ordinance by title. All voted in favor and the motion carried.

Ordinance No. 480 Amending the Municipal Code regarding City Police Officers and Removal, Demotion, Suspension and Procedures and Appeal.

Changes consistent with state law are included in the Ordinance which will update Bennington's Municipal Code.

Motion by Pekny, second by Johns to table Ordinance No 480. All voted in favor and the motion carried.

Papio Creek Bridge & Trail Final Invoice

Motion by Johns, second by Pekny to approve Invoice No. 0641323 to Nebraska Department of Transportation for \$1,738.40. All voted in favor and the motion carried.

Bennington General Engineering

Motion by Pekny, second by Bridgeford to approve Invoice No. 109680 to JEO Consulting Group for \$8,712.50. All voted in favor and the motion carried.

Peddler's Permit Application – Mobile Ice Cream Treats and Lemonade Stand by Apollonia Grandi-Avina and Oscar Andersen

Motion by Bridgeford, second by Johns to waive the fees and approve the application as presented, provided that no solicitation of sales or peddling shall occur at the BAL and Pruess fields located in the Doug Nelson Youth Complex. All voted in favor and the motion carried.

Arterial Street Improvement Program (ASIP) Discussion

City Engineer Tyler Hevlin presented the creation of an ASIP allowing the City of Bennington to collect fees for costs affiliated with road projects from developments outside of Bennington's City Limits. Street improvement funds collected could be used in both the City Limits and One Mile Zoning Jurisdiction.

2019 Street Improvement Projects

The City Council discussed street projects including, Bennington Road from the Papio Creek west to the middle school entrance, 161st Street improvements, North 4th Street west of 156th Street, and Bennington Road from Ashwood Drive west to City Limits. JEO will put together plans and specifications for presentation at the July meeting. Logemann parking lot and road improvements were also discussed. Additional free dirt is being moved to the parking lot area. JEO will draft plans and specifications for rock and grading improvements.

Logemann Park Improvement Project

Dirt is being moved into the park. JEO will put together plans and specifications including rock and grading costs.

Library Report

Motion by Pekny, second by Johns to approve the Library Board appointment of Kip Squire completing a term through 2022. All voted in favor and the motion carried.

Police Report

Applicants for the Police Chief position are being reviewed by Douglas County Sheriff representatives and will then be reviewed by City representatives.

Library, Office, Police, Public Works, and Project Tracker Reports

All monthly reports are on file in the City Office.

Public Comments – Citizens voiced concerns regarding the process for miscellaneous nuisance matters.

Adjourn

Motion by Bridgeford, second by Pekny to adjourn the meeting at 8:18 p.m. All voted in favor and the motion carried.