

City of Bennington  
City Council Meeting Minutes  
Monday, August 12, 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, August 12, 2019 at 6:30 p.m. In attendance were City Council members Kaye Bridgeford, Zac Johns, Shane Pekny and Jody Stier. City Clerk Mindi Laaker identified the location of the Open Meetings Act that is available to the public.

Approval of Consent Agenda

- A. July 8, 2019 City Council Meeting Minutes
- B. July 2019 Bills Paid
- C. Keno Receipts: July 8.75%: \$3,515.97

**BILLS PAID IN JULY**

**CITY**

RURAL FIRE DISTRICT	41,261.00
MUD	61.95
USPS	110.00
NEBRASKA WORKFORCE DEVELOPMENT	187.18
NEBRASKA DEPT OF REVENUE	711.74
EDWARD JONES	995.28
US DEPT OF TREASURY	2,448.02
MINDI LAAKER	1,367.68
JENNIFER RAUSCHER	403.51
BANK OF BENNINGTON	232.50
COX BUSINESS SERVICES	165.23
JEO CONSULTING, INC.	13,286.25
OXEN TECHNOLOGY	36.00
GREAT AMERICA FINANCIAL SERVICE	133.21
OFFICE DEPOT	33.98

DOUGLAS COUNTY POST GAZETTE	161.52
UHS PREMIUM BILLING	876.84
UHS PREMIUM BILLING	58.61
YOUNG & WHITE LAW OFFICES	4,130.90
OPPD	356.39
BENNINGTON SCHOOL	700.00
EDWARD JONES	973.61
US DEPT OF TREASURY	2,259.60
MINDI LAAKER	1,367.69
JENNIFER RAUSCHER	516.65
<b>CITY TOTAL</b>	<b>72,835.34</b>

**SEWER**

CITY OF OMAHA CASHIER	16,667.97
CITY OF OMAHA	1,298.00
SID 531	2,841.00
SID 544	947.00
ONE CALL CONCEPTS	54.16
PEOPLE SERVICE	1,145.00
<b>SEWER TOTAL</b>	<b>22,953.13</b>

**LIBRARY**

MUD	144.55
SAM'S CLUB	205.34
JOANNE MANCUSO	104.22
DALENE CLARK	699.12
LISA FLAXBEARD	1,300.30

JOANNE MANCUSO	449.74
CASSANDRA OZBIRN	276.44
COX BUSINESS SERVICES	180.00
LIBRARY	462.29
INGRAM	355.41
SAM'S CLUB	295.69
BAKER & TAYLOR BOOKS	279.33
JASON NOCITA	1,000.00
JASON NOCITA	1,700.00
UHS PREMIUM BILLING	917.38
OPPD	138.60
OFFICE DEPOT	81.39
DEMCO	89.49
DALENE CLARK	459.92
LISA FLAXBEARD	1,300.30
JOANNE MANCUSO	370.20
CHASE MARTIN	45.63
CASSANDRA OZBIRN	300.77
<b>LIBRARY TOTAL</b>	<b>11,156.11</b>

**POLICE**

COX BUSINESS SERVICES	136.60
CULLIGAN OF OMAHA	10.00
MUD	273.55
VERIZON	249.48
CULLIGAN OF OMAHA	15.00
GARAGE DOOR SERVICES	802.48

CUBBY'S	26.89
DOUGLAS COUNTY SHERIFF	15,600.00
OPPD	320.47
<b>POLICE TOTAL</b>	<b>17,434.47</b>

**PARKS**

COX BUSINESS SERVICES	26.95
CULLIGAN OF OMAHA	45.80
KRIHA FLUID POWER	39.55
HOME DEPOT	316.53
ARBOR FARMS FOUNDATION	15.00
MUD	145.95
VERIZON	21.58
JOHN BOHRER	960.38
STEVEN BOULTON	967.13
STUART ELLISON	152.41
JACOB HYTREK	568.06
NATHAN JOHNSON	549.68
BRAYDEN OBORNY	478.23
BENNINGTON AUTO	917.79
CULLIGAN OF OMAHA	7.50
KNUDSEN OIL & FEED	9.39
LOVELAND GRASS PAD	189.00
NMC EXCHANGE LLC	224.00
CHRISTIANSON TRASH	2,362.50
NEBRASKA ARBORISTS ASSOC	65.00
CUBBY'S	222.07

MENARDS	20.00
TRADE WELL PALLET, INC.	1,700.00
BENNINGTON AUTO	209.49
KNUDSEN OIL & FEED	95.40
KUBOTA OF OMAHA	19.62
PORT A JOHNS, INC.	200.00
UHS PREMIUM BILLING	589.54
OPPD	692.10
JOHN BOHRER	952.85
STEVEN BOULTON	967.15
STUART ELLISON	133.35
JACOB HYTREK	398.80
NATHAN JOHNSON	401.23
BRAYDEN OBORNY	360.89
<b>PARKS TOTAL</b>	<b>15,024.92</b>

**STREETS**

COX BUSINESS SERVICES	26.95
CULLIGAN OF OMAHA	45.80
KRIHA FLUID POWER	39.55
HOME DEPOT	316.53
MUD	84.00
MICHAEL TODD & COMPANY	1,344.77
VERIZON	21.57
BENNINGTON AUTO	917.79
CULLIGAN OF OMAHA	7.50
H & R CONSTRUCTION	8,500.00

JEO CONSULTING, INC.	957.50
NMC EXCHANGE LLC	224.00
CUBBY'S	112.14
KNUDSEN OIL & FEED	23.85
KUBOTA OF OMAHA	19.61
UHS PREMIUM BILLING	589.54
OPPD	4,476.79
<b>STREETS TOTAL</b>	<b>17,707.89</b>
<b>CITY</b>	<b>72,835.34</b>
<b>SEWER</b>	<b>22,953.13</b>
<b>LIBRARY</b>	<b>11,156.11</b>
<b>POLICE</b>	<b>17,434.47</b>
<b>PARKS</b>	<b>15,024.92</b>
<b>STREETS</b>	<b>17,707.89</b>
<b>TOTAL OF ALL BILLS</b>	<b>157,111.86</b>

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

Presentations and discussions included all three agenda items and public hearings regarding the Kempten Creek Subdivision as follows:

Consideration of Change of Zoning from Transitional Agriculture (TA) to Medium Density Residential (R-3), High Density Residential (R-4) and Clustered/Mix Use Overlay District (CMD) for a development of approximately 79 acres located south of Bennington Road and west of North 156<sup>th</sup> Street for a subdivision to be known as Kempten Creek Lots 1-225 and Outlots A-K

City Engineer Julie Ogden and E & A Consulting Group's Mark Westergard presented the residential subdivision as a Sanitary Improvement District featuring a diversity of single family residential dwellings. A connector street from 156<sup>th</sup> Street to Bennington Road includes a walking trail. Ogden recommended the entire subdivision be rezoned R-3 with a CMD overlay, removing any R-4 district.

Ogden explained that the subdivision fits the Future Land Use Plan and the Comprehensive Plan for future growth and diverse housing options.

Westergard and Ogden will continue to work together on entrances and turning lanes located on Bennington Road and 156<sup>th</sup> Street, adjustments to the preliminary plat, street width and open spaces.

John opened a public hearing and there were no comments.

Council Members are concerned about pedestrian crossings and traffic and design factors for the connector street.

Motion by Bridgeford, second by Johns to remove all R-4 High Density Residential designations and approve rezoning of the 79 acres to an R-3 Medium Density Residential District with a CMD Clustered/Mix Use Overlay District. All voted in favor and the motion carried.

Consideration of a Preliminary Plat with Rezoning to Medium Density Residential (R-3), High Density Residential (R-4) and Clustered/Mix Use Overlay District (CMD) for a development of approximately 79 acres located south of Bennington Road and west of North 156<sup>th</sup> Street for a subdivision to be known as Kempton Creek Lots 1-225 and Outlots A-K

Motion by Pekny, second by Johns to remove all R-4 High Density Residential designations and approve the subject preliminary plat. All voted in favor and the motion carried.

Consideration of a Comprehensive Plan Amendment to the Future Land Use Plan for an area of approximately 79 acres south of Bennington Road and west of North 156<sup>th</sup> Street

Motion by Johns, second by Pekny to approve an amendment to the Future Land Use Plan for such 79 acres to Medium Density Residential. All voted in favor and the motion carried.

2019 Street Improvements – Bid Approval

Motion by Pekny, second by Johns to table bid approval. All voted in favor and the motion carried.

2019 Ballfield Parking Lot Improvements – Bid Approval

Motion by Bridgeford, second by Pekny to approve the installation of parking stalls in Group A and continue to negotiate Group B. All voted in favor and the motion carried.

Ordinance No. 480 Amending the Municipal Code Sections 1-702, 1-703 and 1-209 regarding City Police Officers and Removal, Demotion, Suspension and Procedures and Appeals and the Duties of the Police Chief

Motion by Pekny, second by Bridgeford to Introduce and Approve the First Reading of Ordinance No. 480 AN ORDINANCE AMENDING SECTIONS 1-702, AND 1-703 OF

ARTICLE VII OF CHAPTER I OF THE CITY OF BENNINGTON MUNICIPAL CODE REGARDING THE REMOVAL, DEMOTION, AND SUSPENSION OF CITY POLICE OFFICERS AND PROCEDURES AND APPEAL, AND AMENDING SECTION 1-209 OF ARTICLE II OF CHAPTER I OF THE CITY OF BENNINGTON MUNICIPAL CODE REGARDING THE DUTIES OF THE CITY POLICE CHIEF. All voted in favor and the motion carried.

#### Bennington General Engineering

Motion by Bridgeford, second by Johns to approve Invoice No. 110977 to JEO Consulting Group for \$19,523.75. All voted in favor and the motion carried.

#### Bennington 156<sup>th</sup> Street Project

Motion by Pekny, second by Johns to approved Resolution 2019-04 Declaration of Use – Construction of Storm Sewer and Sidewalk on Library/City Office Property affiliated with the 156<sup>th</sup> Street Project. All voted in favor and the motion carried.

Motion by Pekny, second by Bridgeford to approve Invoice No. 110978 to JEO Consulting Group for \$225.00. All voted in favor and the motion carried.

#### Bennington Library Expansion Fund

Motion to Approve a Work Order from Sun 2 Shade Window Tinting totaling \$2,166.35. All voted in favor and the motion carried.

#### Ridgewood Sidewalk Pay Application #1 and Final for \$40,085.85, Change Order #1 for \$1,456.02, and Certificate of Completion

Motion by Pekny, second by Johns to approve the Pay Application, Change Order and Certificate of Completion as presented. All voted in favor and the motion carried.

#### Budget Review

John suggested a property tax cut for consideration.

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

All monthly reports are on file in the City Office.

#### Police Report

Police Chief Position – Selection Process – Mayor’s Appointment

Motion by Pekny, second by Johns to approve the Mayor’s appointment of Andrew Hilscher to the Bennington Police Chief position. All voted in favor and the motion carried.

#### Public Comments

Citizens raised concerns regarding the 156<sup>th</sup> Street Project and right-of-way, private and public parking, access to driveways and traffic flow.



Executive Session for purposes of strategy session with respect to Contracts and Negotiations

John explained that Agenda Item Number 19 was an Executive Session for purposes of a strategy session with respect to contracts and negotiations.

Motion by Bridgeford, second by Pekny to go into Executive Session for purposes of a strategy session with respect Contracts and Negotiations. All voted in favor and the motion carried.

John stated that the record should show that at 8:40 p.m., the City Council went into Executive Session and the limitation of the subject matter was a strategy session with respect to Contracts and Negotiations.

Motion by Johns, second by Pekny to reconvene in open session at 8:52 p.m. All voted in favor and the motion carried.

Adjourn

Motion by Bridgeford, second by Pekny to adjourn the meeting at 8:52 p.m.