

Pursuant to the Governor's Executive Order No. 20 – 03 and the Directed Health Measures of the Douglas County Health Department and the Nebraska DHHS, this meeting will be held by telephone conferencing with access available to the public and media.

Call in using the following number:  
(833)798-7807 (toll-free)

When prompted, enter the following Conference ID number:  
970 627 852 #

City of Bennington  
City Council Meeting Agenda  
Monday, April 13, 2020; 6:30 p.m.  
City Office, 15505 Warehouse Street  
Bennington, NE  
402-238-2375

1. Call to Order - Roll Call – Open Meetings Act
  - A. Mayor's Public Announcement: This meeting is conducted in compliance with the Nebraska Open Meetings Act and Governor Rickett's Executive Order 20-03, and the Directed Health Measures of the Douglas County Health Department and the Nebraska DHHS. The agenda and materials for this Meeting, and a copy of the Open Meetings Act, are available on the City's Website [www.benningtonne.com](http://www.benningtonne.com) Those wishing to address the Council on an agenda item that involves a public hearing will be instructed on how to do so during the meeting.
2. Approval of Consent Agenda
  - A. March 9, 2020 City Council Meeting Minutes
  - B. March 2020 Bills Paid
  - C. Keno Receipts: March. 8.75%: \$4,913.77
3. Ordinance No. 486 Creating a New Subsection 4.11.06 to the Bennington Zoning Regulations regarding Permitted Obstructions in Required Yards and Subterranean Egress Window Access Structures in Side Yards
  - A. Update and Discussion
4. Acquisition of Real Estate for Recreational Uses via Purchase and Donation being located southwest of North 156<sup>th</sup> Street and Bennington Road in the NE ¼ of S15, T16N, R11 East of the 6<sup>th</sup> P.M., Douglas County, NE.
  - A. Update and Discussion
5. Bennington 156<sup>th</sup> Street Project
  - A. Ordinance No. 489 Authorizing the Issuance of Highway Allocation Bonds totaling \$1,450,000

- i. Presentation
    - ii. Motion to Introduce and Waive Three Readings
    - iii. Motion to Approve and Adopt Ordinance No. 489
  - B. Motion to Approve Final Environmental Invoice No. 1200248959 to HDR for \$7,493.52
  - C. Motion to Approve Invoice No. 115510 to JEO Consulting Group for \$1,000.00
  - D. Project Tracker for 156<sup>th</sup> Street
- 6. Ordinance No. 487 Amending the Bennington Municipal Code regarding Abandoned and Trespassing Vehicles
  - A. Motion to Introduce and Approve the First Reading
- 7. Bennington General Engineering
  - A. Motion to Approve Invoice No. 115511 to JEO Consulting Group for \$6,045.00
- 8. Library Report
- 9. Police Report
- 10. Public Works Report
  - A. Part-Time Employee Pay Increase from \$10.39 to \$13.50
    - i. Motion to Approve
- 11. Office Report
- 12. Project Tracker
- 13. Public Comments – This is the proper time for public comments on any topic or matter which is not on the agenda.
- 14. Adjourn

Anyone desiring to speak on an agenda item that involves a public hearing is invited to do so. All those who wish to address the Council during such a public hearing should stand, state your name and address and limit yourself to three minutes. Anyone desiring to speak for a longer period of time should make arrangements with the City Clerk prior to the meeting. This procedure will assure that everyone will be heard by the Council. Individuals requiring physical or sensory accommodations should contact the City Clerk at 402-238-2375. Thank you. Matt John, Mayor

## March Financials

**CITY SALES TAX**

<b>2017</b>		<b>2018</b>		<b>2019</b>		<b>2020</b>	
January	37127.06	January	38148.6	January	49923.83	January	54779.3
February	34764.75	February	41398.22	February	46422.11	February	
March	52777.38	March	49779.74	March	48482.74	March	
April	42527.51	April	43733.41	April	50818.6	April	
May	61129.98	May	50355.27	May	62803.18	May	
June	50013.09	June	54658.58	June	64975.7	June	
July	44048.51	July	47611.98	July	64642.54	July	
August	43625.46	August	60726.89	August	65650.01	August	
September	47828.65	September	70377.15	September	82015.11	September	
October	48335.97	October	50109.59	October	57991.97	October	
November	45332.73	November	50748.63	November	56227.02	November	
December	48745.87	December	54090.22	December	94364.41	December	
<b>Total</b>	<b>556256.96</b>	<b>Total</b>	<b>611738.28</b>	<b>Total</b>	<b>744317.22</b>	<b>Total</b>	<b>54779.3</b>

**KENO REVENUE**

<b>2017</b>		<b>2018</b>		<b>2019</b>		<b>2020</b>	
January	3420.74	January	3266.58	January	3195.97	January	4834.07
February	1728.13	February	2900.43	February	2498.32	February	5066.27
March	2361.94	March	3066.41	March	2,621.99	March	4913.77
April	2803.24	April	3017.41	April	4222.62	April	
May	2206.02	May	2912.92	May	3341.01	May	
June	2058.72	June	2306.93	June	3185.37	June	
July	2179.64	July	2308.89	July	3515.97	July	
August	2140.74	August	2068.45	August	3384.45	August	
September	2512.76	September	2719.56	September	3909.77	September	
October	3154.87	October	2212.62	October	4527.91	October	
November	3404.27	November	2675.46	November	3991.76	November	
December	3104.97	December	3154.45	December	4985.14	December	
<b>Total</b>	<b>31076.04</b>	<b>Total</b>	<b>32610.11</b>	<b>Total</b>	<b>43380.28</b>	<b>Total</b>	<b>14814.11</b>

12:16 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss by Class**  
 October 2019 through March 2020

	Debt Serv...	Fiduciary F...	General Go...	Keno Fund	Library Exp...	Sewer Repl...	Street Fund	Unclassified	TOTAL
Ordinary Income/Expense									
Income									
5000 · Taxes									
5002 · Property Taxes	34,611.54	0.00	85,298.91	0.00	0.00	0.00	0.00	0.00	119,910.45
5004 · Homestead Allocation	2,294.71	0.00	3,739.73	0.00	0.00	0.00	0.00	0.00	6,034.44
5008 · Motor Vehicle Fees	185.92	0.00	332.02	0.00	0.00	0.00	6,544.90	0.00	7,062.84
5010 · Sales Tax-Local Option Receipts	0.00	0.00	386,610.18	0.00	0.00	0.00	0.00	0.00	386,610.18
5011 · Motor Vehicle Sales Tax	0.00	0.00	18,663.15	0.00	0.00	0.00	5,411.76	0.00	24,074.91
5012 · In-Lieu-Of Tax	19.43	0.00	14,637.09	0.00	0.00	0.00	0.00	0.00	14,656.52
5020 · Special Assessments	0.00	0.00	-1.02	0.00	0.00	0.00	0.00	0.00	-1.02
Total 5000 · Taxes	37,111.60	0.00	509,280.06	0.00	0.00	0.00	11,956.66	0.00	558,348.32
5100 · Intergovernmental									
5106 · Douglas Cnty Library User Fees	0.00	0.00	24,165.62	0.00	0.00	0.00	0.00	0.00	24,165.62
5120 · Highway Allocation	0.00	0.00	0.00	0.00	0.00	0.00	97,095.44	0.00	97,095.44
5121 · Highway Allocation-Sales Tax	0.00	0.00	0.00	0.00	0.00	0.00	37,090.25	0.00	37,090.25
Total 5100 · Intergovernmental	0.00	0.00	24,165.62	0.00	0.00	0.00	134,185.69	0.00	158,351.31
5200 · Charges for Services									
5201 · Library-Non DC Fees	0.00	0.00	90.00	0.00	0.00	0.00	0.00	0.00	90.00
5202 · Library Fines & Copy Fees	0.00	0.00	324.45	0.00	0.00	0.00	0.00	0.00	324.45
5203 · Library-Book Replacement Fees	0.00	0.00	248.65	0.00	0.00	0.00	0.00	0.00	248.65
5204 · Franchise Fee-Cable TV	0.00	0.00	23,091.66	0.00	0.00	0.00	0.00	0.00	23,091.66
5205 · Public Hearing Fees	0.00	0.00	1,017.00	0.00	0.00	0.00	0.00	0.00	1,017.00
5206 · Sewer Connection Permit Fee	0.00	0.00	0.00	0.00	0.00	35,426.50	0.00	0.00	35,426.50
5208 · Sewer Receipts	0.00	0.00	0.00	0.00	0.00	193,402.76	0.00	0.00	193,402.76
5210 · Dog Licenses	0.00	0.00	1,860.00	0.00	0.00	0.00	0.00	0.00	1,860.00
5211 · Pet Licensing State Fee	0.00	0.00	-126.88	0.00	0.00	0.00	0.00	0.00	-126.88
5212 · Liquor Licenses	0.00	0.00	2,700.00	0.00	0.00	0.00	0.00	0.00	2,700.00
5214 · Tobacco Licenses	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00	10.00
Total 5200 · Charges for Services	0.00	0.00	29,214.88	0.00	0.00	228,829.26	0.00	0.00	258,044.14
5300 · Use of Money & Property									
5302 · Interest	0.00	0.00	904.70	143.71	13.93	0.00	0.00	0.00	1,062.34
5304 · Community Room Revenue	0.00	0.00	563.75	0.00	0.00	0.00	0.00	0.00	563.75
Total 5300 · Use of Money & Property	0.00	0.00	1,468.45	143.71	13.93	0.00	0.00	0.00	1,626.09
5400 · Grants and Contributions									
5401 · Police Grants	0.00	0.00	15,000.00	0.00	0.00	0.00	0.00	0.00	15,000.00
5402 · Donations	0.00	0.00	105.00	0.00	0.00	0.00	0.00	0.00	105.00
5403 · Contrib's/Donations-Libr	0.00	0.00	637.29	0.00	0.00	0.00	0.00	0.00	637.29
Total 5400 · Grants and Contributions	0.00	0.00	15,742.29	0.00	0.00	0.00	0.00	0.00	15,742.29
5600 · Other Miscellaneous Income									
5601 · Police Misc Income	0.00	0.00	5.00	0.00	0.00	0.00	0.00	0.00	5.00
5602 · Keno	0.00	0.00	0.00	28,318.92	0.00	0.00	0.00	0.00	28,318.92
5605 · Park/Streets Misc Income	0.00	0.00	11,210.54	0.00	0.00	0.00	0.00	0.00	11,210.54
5607 · TIF INCOME & EXPENSE	0.00	30,007.69	0.00	0.00	0.00	0.00	0.00	0.00	30,007.69
5600 · Other Miscellaneous Income - Other	0.00	0.00	165.22	0.00	0.00	0.00	0.00	0.00	165.22
Total 5600 · Other Miscellaneous Income	0.00	30,007.69	11,380.76	28,318.92	0.00	0.00	0.00	0.00	69,707.37

12:16 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss by Class**  
 October 2019 through March 2020

	Debt Servic...	Fiduciary F...	General Go...	Keno Fund	Library Exp...	Sewer Repl...	Street Fund	Unclassified	TOTAL
Total Income	37,111.60	30,007.69	591,252.06	28,462.63	13.93	228,829.26	146,142.35	0.00	1,061,819.52
Gross Profit	37,111.60	30,007.69	591,252.06	28,462.63	13.93	228,829.26	146,142.35	0.00	1,061,819.52
Expense									
6010 · Accounting	0.00	0.00	16,379.00	0.00	0.00	0.00	0.00	0.00	16,379.00
6017 · TIF Bond Interest Payments	0.00	183,762.94	0.00	0.00	0.00	0.00	0.00	0.00	183,762.94
6040 · Collection Fees-Douglas County	355.38	0.00	636.33	0.00	0.00	0.00	0.00	0.00	991.71
6041 · Admin Fees - State of Ne	0.00	0.00	12,672.61	0.00	0.00	0.00	0.00	0.00	12,672.61
6042 · VTR 1% Payback	0.00	0.00	54.12	0.00	0.00	0.00	0.00	0.00	54.12
6070 · Dues and Subscriptions	0.00	0.00	125.00	0.00	0.00	0.00	60.00	0.00	185.00
6075 · Economic Development	0.00	0.00	8,870.00	0.00	0.00	0.00	0.00	0.00	8,870.00
6090 · Engineering									
6093 · Benn. Park 5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6095 · Engineering-Logeman Park	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00	0.00	150,000.00
6097 · 156th Street Imprvmnt Proj	0.00	0.00	0.00	0.00	0.00	0.00	11,155.00	0.00	11,155.00
6090 · Engineering - Other	0.00	0.00	38,846.25	0.00	0.00	0.00	8,505.00	0.00	47,351.25
Total 6090 · Engineering	0.00	0.00	38,846.25	0.00	0.00	75,000.00	94,660.00	0.00	208,506.25
6110 · Repairs & Maintenance	0.00	0.00	228.13	0.00	0.00	0.00	235,759.43	0.00	235,987.56
6120 · Insurance	0.00	0.00	2,024.00	0.00	0.00	0.00	0.00	0.00	2,024.00
6140 · Legal									
6143 · Benn. Park 5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6147 · 156th Street Improvement	0.00	0.00	0.00	0.00	0.00	0.00	92.00	0.00	92.00
6140 · Legal - Other	0.00	0.00	14,543.85	0.00	0.00	0.00	9,531.00	0.00	24,074.85
Total 6140 · Legal	0.00	0.00	14,543.85	0.00	0.00	0.00	9,623.00	0.00	24,166.85
6150 · Miscellaneous	0.00	0.00	3,994.80	0.00	0.00	0.00	49.72	0.00	4,044.52
6160 · Occupation Tax	0.00	0.00	900.00	0.00	0.00	0.00	0.00	0.00	900.00
6180 · Office Supplies	0.00	0.00	2,260.24	0.00	0.00	0.00	0.00	0.00	2,260.24
6190 · Postage	0.00	0.00	326.17	0.00	0.00	0.00	0.00	0.00	326.17
6200 · Publication	0.00	0.00	1,568.14	0.00	0.00	0.00	0.00	0.00	1,568.14
6210 · Sewer Connections	0.00	0.00	0.00	0.00	0.00	17,470.00	0.00	0.00	17,470.00
6215 · Sewer - City of Omaha	0.00	0.00	0.00	0.00	0.00	73,230.58	0.00	0.00	73,230.58
6218 · Signs	0.00	0.00	721.49	0.00	0.00	0.00	0.00	0.00	721.49
6220 · People Service Contract	0.00	0.00	0.00	0.00	0.00	7,050.00	0.00	0.00	7,050.00
6230 · Equipment	0.00	0.00	2,163.00	0.00	0.00	0.00	0.00	0.00	2,163.00
6250 · Locates	0.00	0.00	0.00	0.00	0.00	348.32	0.00	0.00	348.32
6255 · Snow Removal	0.00	0.00	0.00	0.00	0.00	0.00	32,374.00	0.00	32,374.00
6260 · Telephone	0.00	0.00	1,065.59	0.00	0.00	0.00	0.00	0.00	1,065.59
6266 · Logeman Park	0.00	0.00	4,215.47	0.00	0.00	0.00	98,240.03	0.00	102,455.50
6270 · Utilities	0.00	0.00	2,494.68	0.00	0.00	0.00	28,439.32	0.00	30,934.00
6560 · Payroll Expnses-Gen Govt/Street									
6562 · Payroll Taxes-Genl Govt/Streets	0.00	0.00	2,325.75	0.00	0.00	0.00	1,996.66	0.00	4,322.41
6570 · Salary-City Clerk's Office									
6571 · Full Time City Office	0.00	0.00	27,808.95	0.00	0.00	0.00	0.00	0.00	27,808.95
6572 · Part-time City Office	0.00	0.00	6,424.90	0.00	0.00	0.00	0.00	0.00	6,424.90
Total 6570 · Salary-City Clerk's Office	0.00	0.00	34,233.85	0.00	0.00	0.00	0.00	0.00	34,233.85
6560 · Payroll Expnses-Gen Govt/Street - Other	0.00	0.00	565.91	0.00	0.00	0.00	3.34	0.00	569.25
Total 6560 · Payroll Expnses-Gen Govt/Street	0.00	0.00	37,125.51	0.00	0.00	0.00	2,000.00	0.00	39,125.51
6561 · Meritorious Awards	0.00	0.00	1,200.00	0.00	0.00	0.00	0.00	156.95	1,356.95

12:16 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss by Class**  
**October 2019 through March 2020**

	Debt Serv...	Fiduciary F...	General Go...	Keno Fund	Library Exp...	Sewer Repl...	Street Fund	Unclassified	TOTAL
6580 - Ret Plan Contrib-Gen Govt/Stree	0.00	0.00	1,000.34	0.00	0.00	0.00	0.00	0.00	1,000.34
6581 - Health Insurance	0.00	0.00	6,058.96	0.00	0.00	0.00	0.00	0.00	6,058.96
7102 - Bonds Retired									
7129 - 2013 Refunding of 1-15-08 Bond	30,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30,000.00
7130 - 3-17-15 REFUND BOND	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
Total 7102 - Bonds Retired	230,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	230,000.00
7200 - Interest									
7211 - INTEREST ON 2017 BAN	9,260.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,260.00
7225 - 2012 Refunding Bond Interest	17,046.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,046.25
7227 - Refunding of 1/15/08 Bnd Intere	232.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	232.50
7228 - 3-17-15 REFUNDED BOND	19,426.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,426.25
7229 - 2-15-19 Refunding Bond Interest	5,275.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,275.75
Total 7200 - Interest	51,240.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51,240.75
7802 - Keno License	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00	100.00
7900 - Library Expansion	0.00	0.00	0.00	0.00	13,263.40	0.00	0.00	0.00	13,263.40
8900 - Park and Recreation									
8918 - Equipment	0.00	0.00	15,178.19	0.00	0.00	0.00	11,475.89	0.00	26,654.08
8928 - Gas and Oil	0.00	0.00	776.40	0.00	0.00	0.00	878.01	0.00	1,654.41
8932 - Health Insurance	0.00	0.00	3,896.81	0.00	0.00	0.00	3,968.79	0.00	7,865.60
8935 - Mileage	0.00	0.00	300.25	0.00	0.00	0.00	463.39	0.00	763.64
8950 - Repairs and Maintenance	0.00	0.00	32,105.50	0.00	0.00	1,362.70	3,377.97	0.00	36,846.17
8952 - Training	0.00	0.00	857.30	0.00	0.00	0.00	0.00	0.00	857.30
8954 - Restroom Rental	0.00	0.00	200.00	0.00	0.00	0.00	0.00	0.00	200.00
8962 - Payroll Taxes	0.00	0.00	2,088.56	0.00	0.00	0.00	0.00	0.00	2,088.56
8970 - Salaries total									
8971 - Full time salaries	0.00	0.00	16,296.75	0.00	0.00	0.00	0.00	0.00	16,296.75
8972 - Part time salaries	0.00	0.00	5,891.37	0.00	0.00	0.00	0.00	0.00	5,891.37
Total 8970 - Salaries total	0.00	0.00	22,188.12	0.00	0.00	0.00	0.00	0.00	22,188.12
8978 - Supplies	0.00	0.00	3,116.71	0.00	0.00	0.00	2,898.11	0.00	6,014.82
8980 - Telephone	0.00	0.00	580.11	0.00	0.00	0.00	499.47	0.00	1,079.58
8981 - Retirement Plan Contributions	0.00	0.00	402.10	0.00	0.00	0.00	452.92	0.00	855.02
8982 - Utilities	0.00	0.00	2,859.00	0.00	0.00	0.00	1,567.64	0.00	4,426.64
8985 - Ballfield Lights	0.00	0.00	1,064.68	0.00	0.00	0.00	0.00	0.00	1,064.68
8900 - Park and Recreation - Other	0.00	0.00	778.13	0.00	0.00	0.00	218.94	0.00	997.07
Total 8900 - Park and Recreation	0.00	0.00	86,391.86	0.00	0.00	1,362.70	25,801.13	0.00	113,555.69
9000 - Police Department									
9015 - Dues, Memberships & Publication	0.00	0.00	75.00	0.00	0.00	0.00	0.00	0.00	75.00
9018 - Equipment	0.00	0.00	12,519.68	0.00	0.00	0.00	0.00	0.00	12,519.68
9028 - Gas and Oil	0.00	0.00	1,877.07	0.00	0.00	0.00	0.00	0.00	1,877.07
9032 - Health Insurance	0.00	0.00	14,125.98	0.00	0.00	0.00	0.00	0.00	14,125.98
9040 - Meetings	0.00	0.00	66.17	0.00	0.00	0.00	0.00	0.00	66.17
9045 - Miscellaneous	0.00	0.00	47,444.87	0.00	0.00	0.00	0.00	0.00	47,444.87
9050 - Repairs and Maintenance- Equip	0.00	0.00	1,725.83	0.00	0.00	0.00	0.00	0.00	1,725.83
9051 - Repairs & Maint - Vehicles	0.00	0.00	1,514.92	0.00	0.00	0.00	0.00	0.00	1,514.92
9052 - Repairs & Maintenance-Buildings	0.00	0.00	1,650.41	0.00	0.00	0.00	0.00	0.00	1,650.41
9055 - Computer Tech Support	0.00	0.00	1,616.89	0.00	0.00	0.00	0.00	0.00	1,616.89
9062 - Payroll Taxes	0.00	0.00	4,488.36	0.00	0.00	0.00	0.00	0.00	4,488.36
9070 - Salaries total									
9071 - Full time Salaries	0.00	0.00	47,132.06	0.00	0.00	0.00	0.00	0.00	47,132.06

12:16 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss by Class**  
**October 2019 through March 2020**

	Debt Serv...	Fiduciary F...	General Go...	Keno Fund	Library Exp...	Sewer Repl...	Street Fund	Unclassified	TOTAL
9072 · Part time salaries	0.00	0.00	10,358.62	0.00	0.00	0.00	0.00	0.00	10,358.62
9073 · Police Overtime	0.00	0.00	1,303.20	0.00	0.00	0.00	0.00	0.00	1,303.20
<b>Total 9070 · Salaries total</b>	<b>0.00</b>	<b>0.00</b>	<b>58,793.88</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>58,793.88</b>
9077 · Supplies	0.00	0.00	777.43	0.00	0.00	0.00	0.00	0.00	777.43
9078 · Supplies & Ammunition	0.00	0.00	2,522.80	0.00	0.00	0.00	0.00	0.00	2,522.80
9079 · Postage	0.00	0.00	56.13	0.00	0.00	0.00	0.00	0.00	56.13
9080 · Telephone	0.00	0.00	2,402.85	0.00	0.00	0.00	0.00	0.00	2,402.85
9082 · Utilities	0.00	0.00	3,919.23	0.00	0.00	0.00	0.00	0.00	3,919.23
9083 · Training	0.00	0.00	2,378.37	0.00	0.00	0.00	0.00	0.00	2,378.37
9085 · Uniforms	0.00	0.00	523.50	0.00	0.00	0.00	0.00	0.00	523.50
<b>Total 9000 · Police Department</b>	<b>0.00</b>	<b>0.00</b>	<b>158,479.37</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>158,479.37</b>
<b>9100 · Fire Department</b>	<b>0.00</b>	<b>0.00</b>	<b>97,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>97,500.00</b>
<b>9200 · Library</b>									
9205 · Print Materials	0.00	0.00	8,469.10	0.00	0.00	0.00	0.00	0.00	8,469.10
9210 · Dues	0.00	0.00	70.00	0.00	0.00	0.00	0.00	0.00	70.00
9215 · Equipment	0.00	0.00	706.33	0.00	0.00	0.00	0.00	0.00	706.33
9220 · Electronic Materials	0.00	0.00	755.57	0.00	0.00	0.00	0.00	0.00	755.57
9225 · Housekeeping	0.00	0.00	1,484.74	0.00	0.00	0.00	0.00	0.00	1,484.74
9230 · Office & Postage	0.00	0.00	100.00	0.00	0.00	0.00	0.00	0.00	100.00
9235 · Repairs & Maintenance	0.00	0.00	1,693.96	0.00	0.00	0.00	0.00	0.00	1,693.96
9240 · Salaries									
9241 · Full time Salaries	0.00	0.00	21,813.98	0.00	0.00	0.00	0.00	0.00	21,813.98
9242 · Part time salaries	0.00	0.00	18,608.59	0.00	0.00	0.00	0.00	0.00	18,608.59
<b>Total 9240 · Salaries</b>	<b>0.00</b>	<b>0.00</b>	<b>40,422.57</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>40,422.57</b>
9245 · Reading Program	0.00	0.00	1,264.70	0.00	0.00	0.00	0.00	0.00	1,264.70
9250 · Supplies	0.00	0.00	1,171.06	0.00	0.00	0.00	0.00	0.00	1,171.06
9255 · Telephone	0.00	0.00	296.77	0.00	0.00	0.00	0.00	0.00	296.77
9260 · Utilities	0.00	0.00	1,582.86	0.00	0.00	0.00	0.00	0.00	1,582.86
9262 · Payroll Taxes	0.00	0.00	3,261.25	0.00	0.00	0.00	0.00	0.00	3,261.25
9265 · Travel/Mileage	0.00	0.00	242.44	0.00	0.00	0.00	0.00	0.00	242.44
9270 · Continuing Education	0.00	0.00	51.99	0.00	0.00	0.00	0.00	0.00	51.99
9275 · Electronic Access	0.00	0.00	1,709.72	0.00	0.00	0.00	0.00	0.00	1,709.72
9281 · Retirement Plan Contributions	0.00	0.00	1,074.99	0.00	0.00	0.00	0.00	0.00	1,074.99
9285 · Health Ins	0.00	0.00	6,333.95	0.00	0.00	0.00	0.00	0.00	6,333.95
<b>Total 9200 · Library</b>	<b>0.00</b>	<b>0.00</b>	<b>70,692.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>70,692.00</b>
<b>9370 · Salaries-Streets total</b>									
9371 · Full time salaries	0.00	0.00	0.00	0.00	0.00	0.00	18,493.71	0.00	18,493.71
9372 · Part time salaries	0.00	0.00	0.00	0.00	0.00	0.00	6,919.32	0.00	6,919.32
<b>Total 9370 · Salaries-Streets total</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>25,413.03</b>	<b>0.00</b>	<b>25,413.03</b>
<b>Total Expense</b>	<b>281,596.13</b>	<b>183,762.94</b>	<b>572,536.91</b>	<b>100.00</b>	<b>13,263.40</b>	<b>174,461.60</b>	<b>552,419.66</b>	<b>156.95</b>	<b>1,778,297.59</b>
<b>Net Ordinary Income</b>	<b>-244,484.53</b>	<b>-153,755.25</b>	<b>18,715.15</b>	<b>28,362.63</b>	<b>-13,249.47</b>	<b>54,367.66</b>	<b>-406,277.31</b>	<b>-156.95</b>	<b>-716,478.07</b>
<b>Net Income</b>	<b>-244,484.53</b>	<b>-153,755.25</b>	<b>18,715.15</b>	<b>28,362.63</b>	<b>-13,249.47</b>	<b>54,367.66</b>	<b>-406,277.31</b>	<b>-156.95</b>	<b>-716,478.07</b>

12:17 PM

04/08/20

Cash Basis

City of Bennington, Nebraska  
**Profit & Loss Budget vs. Actual - GENERAL AND BOND FUNDS**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
5000 - Taxes				
5002 - Property Taxes	119,910.45	1,087,135.00	-967,224.55	11.0%
5004 - Homestead Allocation	6,034.44			
5006 - VTR Tax	0.00	65,000.00	-65,000.00	0.0%
5008 - Motor Vehicle Fees	517.94	7,730.00	-7,212.06	6.7%
5010 - Sales Tax-Local Option Receipts	386,610.18	550,000.00	-163,389.82	70.3%
5011 - Motor Vehicle Sales Tax	18,663.15			
5012 - In-Lieu-Of Tax	14,656.52	39,500.00	-24,843.48	37.1%
5020 - Special Assessments	-1.02			
<b>Total 5000 - Taxes</b>	<b>546,391.66</b>	<b>1,749,365.00</b>	<b>-1,202,973.34</b>	<b>31.2%</b>
5100 - Intergovernmental				
5106 - Douglas Cnty Library User Fees	24,165.62	55,000.00	-30,834.38	43.9%
<b>Total 5100 - Intergovernmental</b>	<b>24,165.62</b>	<b>55,000.00</b>	<b>-30,834.38</b>	<b>43.9%</b>
5200 - Charges for Services				
5201 - Library-Non DC Fees	90.00	250.00	-160.00	36.0%
5202 - Library Fines & Copy Fees	324.45	500.00	-175.55	64.9%
5203 - Library-Book Replacement Fees	248.65	400.00	-151.35	62.2%
5204 - Franchise Fee-Cable TV	23,091.66	20,000.00	3,091.66	115.5%
5205 - Public Hearing Fees	1,017.00	3,000.00	-1,983.00	33.9%
5210 - Dog Licenses	1,860.00	2,200.00	-340.00	84.5%
5211 - Pet Licensing State Fee	-126.88	-100.00	-26.88	126.9%
5212 - Liquor Licenses	2,700.00	3,300.00	-600.00	81.8%
5214 - Tobacco Licenses	10.00	10.00	0.00	100.0%
5216 - Fireworks Permits	0.00	500.00	-500.00	0.0%
<b>Total 5200 - Charges for Services</b>	<b>29,214.88</b>	<b>30,060.00</b>	<b>-845.12</b>	<b>97.2%</b>
5300 - Use of Money & Property				
5302 - Interest	904.70	500.00	404.70	180.9%
5304 - Community Room Revenue	563.75	3,000.00	-2,436.25	18.8%
<b>Total 5300 - Use of Money &amp; Property</b>	<b>1,468.45</b>	<b>3,500.00</b>	<b>-2,031.55</b>	<b>42.0%</b>
5400 - Grants and Contributions				
5401 - Police Grants	15,000.00			
5402 - Donations	105.00			
5403 - Contrib's/Donations-Libr	637.29			
<b>Total 5400 - Grants and Contributions</b>	<b>15,742.29</b>			
5600 - Other Miscellaneous Income				
5601 - Police Misc Income	5.00	500.00	-495.00	1.0%
5605 - Park/Streets Misc Income	11,210.54	17,500.00	-6,289.46	64.1%
5600 - Other Miscellaneous Income - Other	165.22	80,000.00	-79,834.78	0.2%
<b>Total 5600 - Other Miscellaneous Income</b>	<b>11,380.76</b>	<b>98,000.00</b>	<b>-86,619.24</b>	<b>11.6%</b>
<b>Total Income</b>	<b>628,363.66</b>	<b>1,935,925.00</b>	<b>-1,307,561.34</b>	<b>32.5%</b>
<b>Gross Profit</b>	<b>628,363.66</b>	<b>1,935,925.00</b>	<b>-1,307,561.34</b>	<b>32.5%</b>
<b>Expense</b>				

12:17 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss Budget vs. Actual - GENERAL AND BOND FUNDS**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
6010 · Accounting	16,379.00	22,000.00	-5,621.00	74.5%
6040 · Collection Fees-Douglas County	991.71	8,000.00	-7,008.29	12.4%
6041 · Admin Fees - State of Ne	12,672.61	18,000.00	-5,327.39	70.4%
6042 · VTR 1% Payback	54.12	500.00	-445.88	10.8%
6060 · Dog Catcher	0.00	250.00	-250.00	0.0%
6070 · Dues and Subscriptions	125.00	6,000.00	-5,875.00	2.1%
6075 · Economic Development	8,870.00	8,870.00	0.00	100.0%
6080 · Election Expense	0.00	400.00	-400.00	0.0%
6090 · Engineering				
6093 · Benn. Park 5	0.00			
6095 · Engineering-Logeman Park	0.00	10,000.00	-10,000.00	0.0%
6090 · Engineering - Other	38,846.25	115,000.00	-76,153.75	33.8%
<b>Total 6090 · Engineering</b>	<b>38,846.25</b>	<b>125,000.00</b>	<b>-86,153.75</b>	<b>31.1%</b>
6110 · Repairs & Maintenance	228.13	5,000.00	-4,771.87	4.6%
6120 · Insurance	2,024.00	51,080.00	-49,056.00	4.0%
6140 · Legal				
6143 · Benn. Park 5	0.00			
6140 · Legal - Other	14,543.85	50,000.00	-35,456.15	29.1%
<b>Total 6140 · Legal</b>	<b>14,543.85</b>	<b>50,000.00</b>	<b>-35,456.15</b>	<b>29.1%</b>
6150 · Miscellaneous	3,994.80	15,000.00	-11,005.20	26.6%
6160 · Occupation Tax	900.00	1,100.00	-200.00	81.8%
6170 · Office Cleaning	0.00	1,000.00	-1,000.00	0.0%
6180 · Office Supplies	2,260.24	3,500.00	-1,239.76	64.6%
6190 · Postage	326.17	1,000.00	-673.83	32.6%
6200 · Publication	1,568.14	3,000.00	-1,431.86	52.3%
6218 · Signs	721.49	500.00	221.49	144.3%
6230 · Equipment	2,163.00	5,000.00	-2,837.00	43.3%
6260 · Telephone	1,065.59	2,200.00	-1,134.41	48.4%
6266 · Logeman Park	4,215.47			
6270 · Utilities	2,494.68	9,000.00	-6,505.32	27.7%
6560 · Payroll Expnses-Gen Govt/Street				
6562 · Payroll Taxes-Genl Govt/Streets	2,325.75	5,520.00	-3,194.25	42.1%
6570 · Salary-City Clerk's Office				
6571 · Full Time City Office	27,808.95	55,000.00	-27,191.05	50.6%
6572 · Part-time City Office	8,424.90	14,000.00	-7,575.10	45.9%
<b>Total 6570 · Salary-City Clerk's Office</b>	<b>34,233.85</b>	<b>69,000.00</b>	<b>-34,766.15</b>	<b>49.6%</b>
6560 · Payroll Expnses-Gen Govt/Street - Other	565.91	1,300.00	-734.09	43.5%
<b>Total 6560 · Payroll Expnses-Gen Govt/Street</b>	<b>37,125.51</b>	<b>75,820.00</b>	<b>-38,694.49</b>	<b>49.0%</b>
6561 · Meritorious Awards	1,200.00	2,500.00	-1,300.00	48.0%
6580 · Ret Plan Contrib-Gen Govt/Stree	1,000.34	2,070.00	-1,069.66	48.3%
6581 · Health Insurance	6,058.96	14,079.00	-8,020.04	43.0%
7102 · Bonds Retired				
7107 · 2017 BAN	0.00	40,000.00	-40,000.00	0.0%
7127 · 2012 Refunding Bonds	0.00	25,000.00	-25,000.00	0.0%
7129 · 2013 Refunding of 1-15-08 Bond	30,000.00	30,000.00	0.00	100.0%
7130 · 3-17-15 REFUND BOND	200,000.00	200,000.00	0.00	100.0%
<b>Total 7102 · Bonds Retired</b>	<b>230,000.00</b>	<b>295,000.00</b>	<b>-65,000.00</b>	<b>78.0%</b>
7200 · Interest				

12:17 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss Budget vs. Actual - GENERAL AND BOND FUNDS**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
7211 · INTEREST ON 2017 BAN	9,260.00	18,520.00	-9,260.00	50.0%
7225 · 2012 Refunding Bond interest	17,046.25	34,093.00	-17,046.75	50.0%
7227 · Refunding of 1/15/08 Bnd Intere	232.50	233.00	-0.50	99.8%
7228 · 3-17-15 REFUNDED BOND	19,426.25	37,553.00	-18,126.75	51.7%
7229 · 2-15-19 Refunding Bond Interest	5,275.75	10,547.00	-5,271.25	50.0%
<b>Total 7200 · Interest</b>	<b>51,240.75</b>	<b>100,946.00</b>	<b>-49,705.25</b>	<b>50.8%</b>
7300 · BOND ISSUANCE COST				
7301 · 2017 BOND ISSUANCE COST	0.00	3,000.00	-3,000.00	0.0%
<b>Total 7300 · BOND ISSUANCE COST</b>	<b>0.00</b>	<b>3,000.00</b>	<b>-3,000.00</b>	<b>0.0%</b>
8900 · Park and Recreation				
8918 · Equipment	15,178.19	30,000.00	-14,821.81	50.6%
8928 · Gas and Oil	776.40	3,000.00	-2,223.60	25.9%
8932 · Health Insurance	3,896.81	7,039.00	-3,142.19	55.4%
8935 · Mileage	300.25	600.00	-299.75	50.0%
8950 · Repairs and Maintenance	32,105.50	35,000.00	-2,894.50	91.7%
8952 · Training	857.30	1,500.00	-642.70	57.2%
8954 · Restroom Rental	200.00	1,800.00	-1,600.00	11.1%
8962 · Payroll Taxes	2,088.56	5,147.00	-3,058.44	40.6%
8970 · Salaries total				
8973 · Part-time Overtime	0.00	500.00	-500.00	0.0%
8974 · Full-time Overtime	0.00	750.00	-750.00	0.0%
8971 · Full time salaries	16,296.75	52,788.00	-36,491.25	30.9%
8972 · Part time salaries	5,891.37	12,000.00	-6,108.63	49.1%
<b>Total 8970 · Salaries total</b>	<b>22,188.12</b>	<b>66,038.00</b>	<b>-43,849.88</b>	<b>33.6%</b>
8978 · Supplies	3,116.71	7,000.00	-3,883.29	44.5%
8980 · Telephone	580.11	800.00	-219.89	72.5%
8981 · Retirement Plan Contributions	402.10	1,900.00	-1,497.90	21.2%
8982 · Utilities	2,859.00	6,000.00	-3,141.00	47.7%
8985 · Ballfield Lights	1,064.68	5,000.00	-3,935.32	21.3%
8900 · Park and Recreation - Other	778.13	15,000.00	-14,221.87	5.2%
<b>Total 8900 · Park and Recreation</b>	<b>86,391.86</b>	<b>185,824.00</b>	<b>-99,432.14</b>	<b>46.5%</b>
9000 · Police Department				
9015 · Dues, Memberships & Publication	75.00	200.00	-125.00	37.5%
9018 · Equipment	12,519.68	5,500.00	7,019.68	227.6%
9028 · Gas and Oil	1,877.07	10,100.00	-8,222.93	18.6%
9032 · Health Insurance	14,125.98	53,158.00	-39,032.02	26.6%
9040 · Meetings	66.17	200.00	-133.83	33.1%
9045 · Miscellaneous	47,444.87	2,500.00	44,944.87	1,897.8%
9050 · Repairs and Maintenance- Equip	1,725.83	2,500.00	-774.17	69.0%
9051 · Repairs & Maint - Vehicles	1,514.92	4,500.00	-2,985.08	33.7%
9052 · Repairs & Maintenance-Buildings	1,650.41	3,000.00	-1,349.59	55.0%
9055 · Computer Tech Support	1,616.89	2,000.00	-383.11	80.8%
9062 · Payroll Taxes	4,488.36	15,600.00	-11,111.64	28.8%
9070 · Salaries total				
9071 · Full time Salaries	47,132.06	171,500.00	-124,367.94	27.5%
9072 · Part time salaries	10,358.62	22,000.00	-11,641.38	47.1%
9073 · Police Overtime	1,303.20	3,000.00	-1,696.80	43.4%
<b>Total 9070 · Salaries total</b>	<b>58,793.88</b>	<b>196,500.00</b>	<b>-137,706.12</b>	<b>29.9%</b>

12:17 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss Budget vs. Actual - GENERAL AND BOND FUNDS**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
9077 · Supplies	777.43	2,000.00	-1,222.57	38.9%
9078 · Supplies & Ammunition	2,522.80	3,000.00	-477.20	84.1%
9079 · Postage	56.13	275.00	-218.87	20.4%
9080 · Telephone	2,402.85	4,450.00	-2,047.15	54.0%
9081 · Retirement Plan Contributions	0.00	6,000.00	-6,000.00	0.0%
9082 · Utilities	3,919.23			
9083 · Training	2,378.37	13,000.00	-10,621.63	18.3%
9085 · Uniforms	523.50	3,000.00	-2,476.50	17.5%
<b>Total 9000 · Police Department</b>	<b>158,479.37</b>	<b>327,483.00</b>	<b>-169,003.63</b>	<b>48.4%</b>
<b>9100 · Fire Department</b>	<b>97,500.00</b>	<b>130,000.00</b>	<b>-32,500.00</b>	<b>75.0%</b>
<b>9200 · Library</b>				
9205 · Print Materials	8,469.10	15,750.00	-7,280.90	53.8%
9210 · Dues	70.00	400.00	-330.00	17.5%
9215 · Equipment	706.33	5,000.00	-4,293.67	14.1%
9220 · Electronic Materials	755.57	5,000.00	-4,244.43	15.1%
9225 · Housekeeping	1,484.74	3,640.00	-2,155.26	40.8%
9230 · Office & Postage	100.00	600.00	-500.00	16.7%
9235 · Repairs & Maintenance	1,693.96	1,000.00	693.96	169.4%
9240 · Salaries				
9241 · Full time Salaries	21,813.98	45,584.00	-23,770.02	47.9%
9242 · Part time salaries	18,608.59	52,523.00	-33,914.41	35.4%
<b>Total 9240 · Salaries</b>	<b>40,422.57</b>	<b>98,107.00</b>	<b>-57,684.43</b>	<b>41.2%</b>
9245 · Reading Program	1,264.70	3,500.00	-2,235.30	36.1%
9250 · Supplies	1,171.06	3,000.00	-1,828.94	39.0%
9255 · Telephone	296.77	1,000.00	-703.23	29.7%
9260 · Utilities	1,582.86	4,500.00	-2,917.14	35.2%
9262 · Payroll Taxes	3,261.25	7,849.00	-4,587.75	41.5%
9265 · Travel/Mileage	242.44	700.00	-457.56	34.6%
9270 · Continuing Education	51.99	1,000.00	-948.01	5.2%
9275 · Electronic Access	1,709.72	7,150.00	-5,440.28	23.9%
9281 · Retirement Plan Contributions	1,074.99	2,100.00	-1,025.01	51.2%
9285 · Health Ins	6,333.95	14,079.00	-7,745.05	45.0%
<b>Total 9200 · Library</b>	<b>70,692.00</b>	<b>174,375.00</b>	<b>-103,683.00</b>	<b>40.5%</b>
<b>Total Expense</b>	<b>854,133.04</b>	<b>1,647,497.00</b>	<b>-793,363.96</b>	<b>51.8%</b>
<b>Net Ordinary Income</b>	<b>-225,769.38</b>	<b>288,428.00</b>	<b>-514,197.38</b>	<b>-78.3%</b>
<b>Net Income</b>	<b>-225,769.38</b>	<b>288,428.00</b>	<b>-514,197.38</b>	<b>-78.3%</b>

12:17 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss Budget vs. Actual - STREET**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
Income				
5000 · Taxes				
5008 · Motor Vehicle Fees	6,544.90	12,500.00	-5,955.10	52.4%
5011 · Motor Vehicle Sales Tax	5,411.76			
Total 5000 · Taxes	11,956.66	12,500.00	-543.34	95.7%
5100 · Intergovernmental				
5120 · Highway Allocation	97,095.44	185,000.00	-87,904.56	52.5%
5121 · Highway Allocation-Sales Tax	37,090.25	55,000.00	-17,909.75	67.4%
Total 5100 · Intergovernmental	134,185.69	240,000.00	-105,814.31	55.9%
5500 · Bond and Note Proceeds				
5503 · Bond Anticipation Notes	0.00	800,000.00	-800,000.00	0.0%
Total 5500 · Bond and Note Proceeds	0.00	800,000.00	-800,000.00	0.0%
Total Income	146,142.35	1,052,500.00	-906,357.65	13.9%
Gross Profit	146,142.35	1,052,500.00	-906,357.65	13.9%
Expense				
6070 · Dues and Subscriptions	60.00			
6090 · Engineering				
6093 · Benn. Park 5	0.00	3,000.00	-3,000.00	0.0%
6095 · Engineering-Logeman Park	75,000.00			
6097 · 156th Street Imprvmnt Proj	11,155.00	20,000.00	-8,845.00	55.8%
6090 · Engineering - Other	8,505.00	42,000.00	-33,495.00	20.3%
Total 6090 · Engineering	94,660.00	65,000.00	29,660.00	145.6%
6110 · Repairs & Maintenance	235,759.43	225,000.00	10,759.43	104.8%
6140 · Legal				
6147 · 156th Street Improvement	92.00			
6140 · Legal - Other	9,531.00			
Total 6140 · Legal	9,623.00			
6150 · Miscellaneous	49.72	2,500.00	-2,450.28	2.0%
6218 · Signs	0.00	2,500.00	-2,500.00	0.0%
6255 · Snow Removal	32,374.00	60,000.00	-27,626.00	54.0%
6256 · 156th St Improvement	0.00	800,000.00	-800,000.00	0.0%
6266 · Logeman Park	98,240.03	95,000.00	3,240.03	103.4%
6270 · Utilities	28,439.32	60,000.00	-31,560.68	47.4%
6560 · Payroll Expnses-Gen Govt/Street				
6562 · Payroll Taxes-Genl Govt/Streets	1,996.66	4,039.00	-2,042.34	49.4%
6560 · Payroll Expnses-Gen Govt/Street - Other	3.34			

12:17 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss Budget vs. Actual - STREET**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
Total 6560 · Payroll Expnses-Gen Govt/Street	2,000.00	4,039.00	-2,039.00	49.5%
8900 · Park and Recreation				
8918 · Equipment	11,475.89	30,000.00	-18,524.11	38.3%
8928 · Gas and Oil	878.01	3,500.00	-2,621.99	25.1%
8932 · Health Insurance	3,968.79	7,039.00	-3,070.21	56.4%
8935 · Mileage	463.39	600.00	-136.61	77.2%
8950 · Repairs and Maintenance	3,377.97	15,000.00	-11,622.03	22.5%
8978 · Supplies	2,898.11	4,000.00	-1,101.89	72.5%
8980 · Telephone	499.47	800.00	-300.53	62.4%
8981 · Retirement Plan Contributions	452.92	1,600.00	-1,147.08	28.3%
8982 · Utilities	1,567.64	2,200.00	-632.36	71.3%
8900 · Park and Recreation - Other	218.94			
Total 8900 · Park and Recreation	25,801.13	64,739.00	-38,937.87	39.9%
9370 · Salaries-Streets total				
9371 · Full time salaries	18,493.71	39,000.00	-20,506.29	47.4%
9372 · Part time salaries	6,919.32	13,000.00	-6,080.68	53.2%
Total 9370 · Salaries-Streets total	25,413.03	52,000.00	-26,586.97	48.9%
Total Expense	552,419.66	1,430,778.00	-878,358.34	38.6%
Net Ordinary Income	-406,277.31	-378,278.00	-27,999.31	107.4%
Net Income	-406,277.31	-378,278.00	-27,999.31	107.4%

12:17 PM

04/08/20

Cash Basis

**City of Bennington, Nebraska**  
**Profit & Loss Budget vs. Actual - SEWER**  
 October 2019 through March 2020

	Oct '19 - Mar 20	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
5200 · Charges for Services				
5206 · Sewer Connection Permit Fee	35,426.50	35,000.00	426.50	101.2%
5208 · Sewer Receipts	193,402.76	355,000.00	-161,597.24	54.5%
<b>Total 5200 · Charges for Services</b>	<b>228,829.26</b>	<b>390,000.00</b>	<b>-161,170.74</b>	<b>58.7%</b>
<b>Total Income</b>	<b>228,829.26</b>	<b>390,000.00</b>	<b>-161,170.74</b>	<b>58.7%</b>
<b>Gross Profit</b>	<b>228,829.26</b>	<b>390,000.00</b>	<b>-161,170.74</b>	<b>58.7%</b>
<b>Expense</b>				
6090 · Engineering				
6095 · Engineering-Logeman Park	75,000.00			
6090 · Engineering - Other	0.00	5,000.00	-5,000.00	0.0%
<b>Total 6090 · Engineering</b>	<b>75,000.00</b>	<b>5,000.00</b>	<b>70,000.00</b>	<b>1,500.0%</b>
6110 · Repairs & Maintenance	0.00	2,000.00	-2,000.00	0.0%
6210 · Sewer Connections	17,470.00	30,000.00	-12,530.00	58.2%
6215 · Sewer - City of Omaha	73,230.58	225,000.00	-151,769.42	32.5%
6218 · Signs	0.00	0.00	0.00	0.0%
6220 · People Service Contract	7,050.00	14,520.00	-7,470.00	48.6%
6250 · Locates	348.32	450.00	-101.68	77.4%
8900 · Park and Recreation				
8950 · Repairs and Maintenance	1,362.70			
<b>Total 8900 · Park and Recreation</b>	<b>1,362.70</b>			
<b>Total Expense</b>	<b>174,461.60</b>	<b>276,970.00</b>	<b>-102,508.40</b>	<b>63.0%</b>
<b>Net Ordinary Income</b>	<b>54,367.66</b>	<b>113,030.00</b>	<b>-58,662.34</b>	<b>48.1%</b>
<b>Net Income</b>	<b>54,367.66</b>	<b>113,030.00</b>	<b>-58,662.34</b>	<b>48.1%</b>

**CITY OF BENNINGTON**  
**GENERAL EXPENSES BUDGET VS ACTUAL**  
**THRU 3/31/2020**  
(GOAL 50%)

	ACTUALS	PLANNED	%	COMMENTS/
	3/31/2020	10/31/2019	OF BUDGET	UNPLANNED
				EXPENSE/COST SAVING
<b>NON PROJECT GENERAL REVENUES (includes Bond Re</b>				
PROPERTY TAXES (5002)	\$119,910	\$1,087,135	11.03%	
PROPERTY TAX CREDIT (5101)			#VALUE!	
HOMESTEAD ALLOC (5004)	\$6,034		#DIV/0!	
MOTOR VEHICLE PRO-RATE (5008)	\$518	\$7,730	6.70%	
MOTOR VEHICLE TAX(VTR Tax) (5006)	\$0	\$65,000	0.00%	
LOCAL SALES TAX (5010)	\$386,610	\$550,000	70.29%	
MOTOR VEHICLE SALES TAX (5011)	\$18,663	\$0	#DIV/0!	
IN LIEU OF TAX (5012)	\$14,657	\$39,500	37.11%	
SPECIAL ASSESSMENTS (5020)	(\$1)	\$0	#DIV/0!	
PUBLIC HEARING FEES (5205)	\$1,017	\$3,000	33.90%	
LICENSES AND PERMITS (5210, 5211, 5212, 5214, 5216, 5218)	\$4,443	\$5,910	75.18%	
OCCUPATION TAX (5220)	\$0	\$0	#DIV/0!	
INTEREST INCOME (5302)	\$905	\$500	180.94%	
COMMUNITY ROOM RENTS (5304)	\$564	\$3,000	18.79%	
OTHER INCOME (5601, 5600, 5605)	\$11,381	\$98,000	11.61%	
CABLE TELEVISION (5204)	\$23,092	\$20,000	115.46%	
DONATIONS (5403, 5402, 5401)	\$15,742	\$0	#DIV/0!	*Police Grant
LIBRARY SALES & FINES & NON DC RESIDENT CHARGE				
(5202, 5203, 5201)	\$663	\$1,150	57.66%	
COUNTY LIBRARY FUNDS (5106)	\$24,166	\$55,000	43.94%	
<b>TOTAL NON PROJECT GENERAL REVENUES</b>	<b>\$628,364</b>	<b>\$1,935,925</b>	<b>32.46%</b>	
<b>NON PROJECT GENERAL EXPENSES</b>				
<b>CITY BREAKDOWN</b>				
ACCOUNTING/AUDIT (6010)	\$16,379	\$22,000	74.45%	
COLLECTION FEES (DOUGLAS COUNTY) (6040)	\$992	\$8,000	12.40%	
ADMIN FEES - STATE OF NE (6041)	\$12,673	\$18,000	70.40%	
VTR 1% PAYBACK (6042)	\$54	\$500	10.82%	
DOG CATCHER (6060)	\$0	\$250	0.00%	
ELECTION EXPENSE (6080)	\$0	\$400	0.00%	
ENGINEERING (6090)	\$38,846	\$125,000	31.08%	
REPAIRS/MAINTENANCE (6110)	\$228	\$5,000	4.56%	
INSURANCE/BONDS (6120)	\$2,024	\$51,080	3.96%	
LEGAL (6140)	\$14,544	\$50,000	29.09%	
TO SCHOOL DISTRICT-OCCUPATION TAX (6160)	\$900	\$1,100	81.82%	
MERITORIOUS AWARDS (6561)	\$1,200	\$2,500	48.00%	
<b>CITY TOTAL</b>	<b>\$87,840</b>	<b>\$283,830</b>	<b>30.95%</b>	
<b>ADMIN OFFICE</b>	<b>\$71,989</b>	<b>\$147,039</b>	<b>48.96%</b>	
<b>POLICE</b>	<b>\$158,479</b>	<b>\$327,483</b>	<b>48.39%</b>	
<b>FIRE</b>	<b>\$97,500</b>	<b>\$130,000</b>	<b>75.00%</b>	Paid Quarterly
<b>PARKS</b>	<b>\$86,392</b>	<b>\$170,824</b>	<b>50.57%</b>	
<b>LIBRARY</b>	<b>\$70,692</b>	<b>\$174,375</b>	<b>40.54%</b>	
<b>TOTAL NON PROJECT GENERAL EXPENDITURES</b>	<b>\$572,892</b>	<b>\$1,233,551</b>	<b>46.44%</b>	
Genl Fund+ Bond Fund Revenues \$628,364 minus GF Expenditures \$572,892 =		<b>\$55,472</b>		

**CITY OF BENNINGTON**  
**STREETS BUDGET VS ACTUAL**  
**THRU 3/31/2020**  
(GOAL 50%)

	ACTUALS	PLANNED	%	COMMENTS/
	3/31/2020	BUDGET		UNPLANNED
		10/31/2019	OF BUDGET	EXPENSE/COST SAVING
<b>STREET REVENUES</b>				
MOTOR VEHICLE FEES (5008)	\$6,545	\$12,500	52%	
MOTOR VEHICLE SALES TAX (5011)	\$5,412	\$0	#DIV/0!	
HIGHWAY ALLOC (5120)	\$97,095	\$185,000	52.48%	
HIGHWAY ALLOC SALES TAX (5121)	\$37,090	\$55,000	67.44%	
INCENTIVE ALLOCATION (5122)	\$0	\$0	#DIV/0!	
MISC STREETS INCOME (5605)	\$0	\$0	0.00%	
SEWER BAN PROCEEDS *MOLLY STREET OVERLAY** (5503) 23%	\$0	\$800,000	0.00%	
SEWER BOND PROCEEDS 2018 BENN PARK W. (5505)	\$0	\$0	0.00%	
<b>TOTAL STREET REVENUES</b>	<b>\$146,142</b>	<b>\$1,052,500</b>	<b>13.89%</b>	
<b>STREET EXPENSES</b>				
ENGINEERING (6093; 6095; 6097; 6090)	\$94,660	\$65,000	145.63%	*Shared Development Expense with Ryan Schwartz/Prairie Hollow (\$75K Sewer & \$75K Streets) Was originally a 2019 Expense that was late billed due to late construction start
DUES AND SUBSCRIPTIONS	\$60	\$0	#DIV/0!	
STREET REPAIR & MAINTENANCE (6110)	\$235,759	\$225,000	104.78%	
LEGAL 156TH STREET IMPROVEMENT (6140)	\$9,623	\$0	#DIV/0!	
MISCELLANEOUS (6150)	\$50	\$2,500	1.99%	
SIGN (6218)	\$0	\$2,500	0.00%	
SNOW REMOVAL (6255)	\$32,374	\$60,000	53.96%	
STREET LIGHTING (6270)	\$28,439	\$60,000	47.40%	
PAYROLL TAXES - GEN GOV/STREETS (6562)	\$2,000	\$4,039	49.52%	
156TH STREET IMPROVEMENT (6256)	\$0	\$800,000	0.00%	
LOGEMANN PARK (6266)	\$98,240	\$95,000	103.41%	
EQUIPMENT (8918)	\$11,476	\$30,000	38.25%	
GAS & OIL (8928)	\$878	\$3,500	25.09%	
HEALTH INS (8932)	\$3,969	\$7,039	56.38%	
MILEAGE (8935)	\$463	\$600	77.23%	
GENERAL REPAIRS & MAINTENANCE (8950)	\$3,378	\$15,000	22.52%	
SUPPLIES (8978)	\$2,898	\$4,000	72.45%	
TELEPHONE (8980)	\$499	\$800	62.43%	
RETIREMENT PLAN CONTRIBUTIONS (8981)	\$453	\$1,600	28.31%	
UTILITIES (8982)	\$1,568	\$2,200	71.26%	
SALARIES (9370)	\$25,413	\$52,000	48.87%	
PARK AND RECREATION OTHER (8900)	\$219	\$0	#DIV/0!	
MILEAGE (9265) **ERROR ON CODE//				
<b>TOTAL STREET EXPENDITURES</b>	<b>\$552,420</b>	<b>\$1,430,778</b>	<b>38.61%</b>	
Street Fund Revenues \$146,142 minus Street Expenditures \$552,420		<b>(\$406,277)</b>		

(GOAL 50%)

[connies/budget/Mueller report](#)

## Agenda Item #1

Call to Order, Roll Call &  
Open Meetings Act

---

## **NEBRASKA OPEN MEETINGS ACT**

---

### **84-1407. Act, how cited.**

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

**Source:** Laws 2004, LB 821, § 34.

### **84-1408. Declaration of intent; meetings open to public.**

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

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 otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

**Source:** Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

#### **Annotations**

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

### **84-1409. Terms, defined.**

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or

advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

**Source:** Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2.

#### **Annotations**

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

**84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

- (a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
- (b) Discussion regarding deployment of security personnel or devices;
- (c) Investigative proceedings regarding allegations of criminal misconduct;
- (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;
- (e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or
- (f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**Source:** Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

**Annotations**

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

**84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal

Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;
- (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and
- (e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or
- (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public

power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by

telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

**Source:**Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5.

**Effective Date: September 1, 2019**

#### **Cross References**

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.

#### **Annotations**

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

**84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**Source:** Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1.

**Annotations**

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

**84-1413. Meetings; minutes; roll call vote; secret ballot; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

**Source:** Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1.

**Annotations**

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

**84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**Source:** Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

**Annotations**

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

--

Source: [http://nebraskalegislature.gov/laws/display\\_html.php?begin\\_section=84-1407&end\\_section=84-1414](http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414)

Date: July 2019

## Agenda Item #2

### Consent Agenda Items

City of Bennington  
City Council Meeting Minutes  
Monday, March 9, 2020; 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, March 9, 2020 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. February 10, 2020 City Council Meeting Minutes
- B. February 2020 Bills Paid
- C. Keno Receipts: Febr. 8.75%: \$5,066.27

**BILLS PAID IN FEBRUARY**

**CITY**

EDWARD JONES	1,007.42
U.S. DEPT OF TREASURY	3,886.90
MINDI LAAKER	1,393.33
JENNIFER RAUSCHER	520.11
BENNINGTON CHAMBER OF COMMERCE	75.00
COX BUSINESS SERVICES	88.60
OFFICE DEPOT	107.03
POSTMASTER	76.00
TOWN WEB	1,383.00
MUD	62.10
NEBRASKA DEPT OF REVENUE	857.47
INTUIT MARKET	486.98
COX BUSINESS SERVICES	75.60
GREAT AMERICAN FINANCIAL SERVICE	75.35
PRESTO-X	10.50

OLD REPUBLIC SURETY GROUP	100.00
YOUNG & WHITE LAW OFFICES	2,142.70
JEO CONSULTING, INC.	5,946.25
DOUGLAS COUNTY REGISTER OF DEEDS	64.00
EDWARD JONES	1,065.57
U.S. DEPT OF TREASURY	3,563.56
MINDI LAAKER	1,393.13
JENNIFER RAUSCHER	457.38
OPPD	351.72
FINKEN & ASSOCIATES, LLC.	135.00
OFFICE DEPOT	78.64
PLIC -SBD GRAND ISLAND	39.81
RELIANCE STANDARD	116.24
UHS PREMIUM BILLING	1,173.27
BANK OF BENNINGTON	219,426.25
<b>CITY TOTAL</b>	<b>246,158.91</b>

#### **SEWER**

CITY OF OMAHA	15,576.00
RYAN SCHWARTZ	75,000.00
ONE CALL CONCEPTS	53.08
PEOPLE SERVICE	1,175.00
<b>SEWER TOTAL</b>	<b>91,804.08</b>

#### **LIBRARY**

LISA FLAXBEARD	1,218.16
DALENE CLARK	485.38
JOANNE MANCUSO	426.19

CASSANDRA OZBIRN	43.65
DESIGN 4	47.58
MASON CREST	477.00
OFFICE DEPOT	63.93
MUD	98.00
ALL MAKES OFFICE EQUIPMENT CO.	122.74
BAKER & TAYLOR BOOKS	217.85
COX BUSINESS SERVICES	180.00
PRESTO-X	21.00
SAM'S CLUB/SYNCHRONY BANK	119.85
JESSICA ROWE-DESILVA	120.00
LYNN BARNA	220.95
DALENE CLARK	508.28
LISA FLAXBEARD	1,217.95
JOANNE MANCUSO	497.50
JOANNE MANCUSO	81.74
OPPD	138.60
AMAZON CREDIT PLAN	616.17
BAKER & TAYLOR BOOKS	292.74
COX BUSINESS SERVICES	75.51
INGRAM	536.01
LOOKOUT BOOKS	720.63
PLIC -SBD GRAND ISLAND	39.81
RELIANCE STANDARD	103.30
UHS PREMIUM BILLING	1,097.75
JESSICA ROWE-DESILVA	100.00
<b>LIBRARY TOTAL</b>	<b>9,888.27</b>

WINDOW INNOVATIONS	4,187.89
STRATEGIC ELECTRIC GROUP	800.00
CITY OF BENNINGTON	100.00

**POLICE**

PETTY CASH	100.00
TRAVIS HERBOLSHEIMER	1,464.99
SHEA DEGAN	71.22
DONALD MCGUIRE	275.98
ANDREW HILSCHER	2,314.62
DANIEL STOCKER	1,785.58
COX BUSINESS SERVICES	137.70
CUBBY'S	512.97
GREAT PLAINS UNIFORMS LLC.	523.50
OLD REPUBLIC SURETY GROUP	500.00
MUD	273.90
CULLIGAN OF OMAHA	10.00
PRESTO-X	37.00
OFFICE DEPOT DEPT.	91.48
ANDREW HILSCHER	2,155.64
TRAVIS HERBOLSHEIMER	1,352.38
DANIEL STOCKER	1,545.86
MARK SUNDERMEIER	111.14
SUNSET LAW ENFORCEMENT	2,522.80
OPPD	400.93
ANDREW HILSCHER	144.29
DANIEL STOCKER	17.56

OFFICE DEPOT CREDIT PLAN	91.48
PLIC -SBD GRAND ISLAND	270.68
RELIANCE STANDARD	300.75
UHS PREMIUM BILLING	5,962.87
<b>POLICE TOTAL</b>	<b>22,975.32</b>

**PARKS**

JOHN BOHRER	942.05
STUART ELLISON	281.22
NATHAN JOHNSON	658.69
JEFFREY MELIES	209.10
JOHN BOHRER	732.93
COX BUSINESS SERVICES	44.44
CUBBY'S	20.40
GLOBAL EQUIPMENT COMPANY	382.32
HOME DEPOT CREDIT SERVICES	272.88
MICHAEL TODD & COMPANY	305.30
MUD	160.10
CULLIGAN OF OMAHA	5.00
FORESTRY SUPPLIERS, INC.	41.02
PRESTO-X	5.25
JOHN BOHRER	994.76
STUART ELLISON	461.30
NATHAN JOHNSON	803.71
ELLEN DAHLSTET	79.99
JOHN BOHRER	40.32
UNIVERSITY OF NEBRASKA-LINCOLN	45.00
SOUTHWEST COMFORT, INC.	1,177.50

OPPD	457.11
COX BUSINESS SERVICES	31.94
PLIC -SBD GRAND ISLAND	39.81
RELIANCE STANDARD	142.98
UHS PREMIUM BILLING	1,351.58
<b>PARKS TOTAL</b>	<b>9,686.70</b>

**STREETS**

COX BUSINESS SERVICES	44.43
CUBBY'S	195.89
HOME DEPOT CREDIT SERVICES	272.87
MICHAEL TODD & COMPANY	305.30
MUD	144.90
CULLIGAN OF OMAHA	5.00
DJL PROPERTIES, LLC.	20,205.00
FORESTRY SUPPLIERS, INC.	41.01
NEBRASKA IOW SUPPLY CO. INC.	1,104.00
PRESTO-X	5.25
YOUNG & WHITE LAW OFFICES	5,137.60
KNUDSEN OIL & FEED	15.00
JEO CONSULTING, INC.	3,086.25
RYAN SCHWARTZ	75,000.00
ELLEN DAHLSTET	79.98
JOHN BOHRER	40.32
MICHAEL TODD & COMPANY	216.71
OPPD	4,866.62
COX BUSINESS SERVICES	31.95

DOUGLAS COUNTY TREASURER	2,283.50
KNUDSEN OIL & FEED	102.66
KUBOTA OF OMAHA	30.02
UNIQUE PAVING MATERIALS CORP.	952.00
<b>STREETS TOTAL</b>	<b>114,166.26</b>
<b>CITY</b>	<b>246,158.91</b>
<b>SEWER</b>	<b>91,804.08</b>
<b>LIBRARY</b>	<b>9,888.27</b>
<b>POLICE</b>	<b>22,975.32</b>
<b>PARKS</b>	<b>9,686.70</b>
<b>STREETS</b>	<b>114,166.26</b>
<b>TOTAL OF ALL BILLS</b>	<b>494,679.54</b>

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

Consideration of a Final Plat including Medium Density Residential (R-3) 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

City Engineer Julie Ogden and the developer's attorney Larry Jobeun presented the residential subdivision including single family residential and 4-plex townhome dwellings. A connector street from North 156<sup>th</sup> Street to Bennington Road includes a walking trail. Speed control and slowing traffic on Kempton Creek Drive is a concern. Kempton Creek Drive will also include turn lanes where intersecting North 156<sup>th</sup> Street and Bennington Road.

John opened a public hearing and there were concerns regarding entrances and exits not existing on the plat map and street width.

Motion by John, second by Bridgeford to approve the final plat subject to subdivision, sewer, and HOA agreements being finalized and executed and compliance with the requirements set forth in the City Engineer's Comments Letter including access points, prior to the release of the final plat. All voted in favor and the motion carried.

Ordinance No. 486 Creating a New Subsection 4.11.06 to the Bennington Zoning Regulations regarding Permitted Obstructions in Required Yards and Subterranean Egress Window Access Structures in Side Yards

Ogden presented the proposed Zoning Regulations for subterranean egress window access structures in side yards.

John opened a public hearing and there were no comments.

Motion by John, second by Johns to table consideration of Ordinance No. 486. All voted in favor and the motion carried.

Acquisition of Real Estate for Recreational Uses via Purchase and Donation being located southwest of North 156<sup>th</sup> Street and Bennington Road in the NE ¼ of S15, T16N, R11 east of the 6<sup>th</sup> P.M., Douglas County, NE.

John opened a public hearing and there were no comments.

Motion by John, second by Bridgeford to table consideration of the acquisition. All voted in favor and the motion carried.

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

Motion by Johns, second by Pekny to approve Resolution 2020-02 pledging funds and awarding the construction of Project STPC-3805(5) to K2 Real Estate Development totaling \$7,607,576.08. All voted in favor and the motion carried.

Motion by Bridgeford, second by Johns to approve Resolution 2020-04 recalling the City's General Obligation Refunding Bond Series 2012. All voted in favor and the motion carried.

Motion by Pekny, second by Johns to introduce and waive three readings of Ordinance No. 488 AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020, OF THE CITY OF BENNINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION TWO HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$1,235,000) TO REFUND CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM. The City Clerk read the Ordinance by title. All voted in favor and the motion carried.

Motion by Bridgeford, second by Pekny to Adopt Ordinance No. 488. All voted in favor and the motion carried.

Motion by Bridgeford, second by Johns to approve Invoice No. 114955 to JEO Consulting Group for \$3,528.75. All voted in favor and the motion carried.

The Project Tracker for 156<sup>th</sup> Street will continue to monitor developments and progress of the project.

Ordinance No. 487 Amending the Bennington Municipal Code regarding Abandoned and Trespassing Vehicles

Further review of the Ordinance is needed.

Motion by John, second by Pekny to table Ordinance No. 487. All voted in favor and the motion carried.

Ordinance No. 485 Bennington Arterial Street Improvement Program and Fund

Motion by Pekny, second by Bridgeford to approve the second reading and waive the third reading of Ordinance No. 485 AN ORDINANCE TO CREATE A NEW ARTICLE VI IN CHAPTER V OF THE MUNICIPAL CODE OF THE CITY OF BENNINGTON SO AS TO CREATE AN ARTERIAL STREET IMPROVEMENT PROGRAM AND FUND FOR STREET IMPROVEMENTS IN THE CITY OF BENNINGTON AND ITS ZONING JURISDICTION; TO CREATE A SPECIAL FUND FOR THE DESIGN AND CONSTRUCTION OF SUCH ARTERIAL STREET IMPROVEMENTS; AND TO CREATE CERTAIN FEES FOR NEW RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL BUILDING PERMITS. The City Clerk read the Ordinance by title. All vote in favor and the motion carried.

Motion by Pekny, second by Johns to adopt Ordinance No. 485. All voted in favor and the motion carried.

Bennington General Engineering

Motion by Pekny, second by Johns to approve Invoice No. 114956 to JEO Consulting Group for \$6,230.00. All voted in favor and motion carried.

Police Report

Motion by Pekny, second by Johns to approve Resolution 2020-03 revising the Personnel Manual regarding overtime pay for non-exempt City Police Officers. All voted in favor and the motion carried.

Motion by John, second by Bridgeford to authorize the purchase of updates to servers, firewalls and Windows 10 for the City Police Department totaling approximately \$10,000. All voted in favor and the motion carried.

Public Works Report

A culvert will be put in at the BAL 4-plex for improvements and access to Logemann Park.

Office Report

A new City sign will be ordered for the building.

Library, Police, Public Works, and Project Tracker Reports  
All monthly reports are on file in the City Office.

Adjourn

Motion by Bridgeford, second by Stier to adjourn the meeting at 8:21 p.m. All voted in favor and the motion carried.

**BILLS PAID IN MARCH****CITY**

AUTO	NEBRASKA DEPARTMENT OF REVENUE	1,119.68	
AUTO	EDWARD JONES	1,011.11	
AUTO	U.S. DEPT OF TREASURY	3,343.50	
DD	MINDI LAAKER	1,390.86	GROSS 2079.32
DD	JENNIFER RAUSCHER	328.89	GROSS 417.82
18080	BERGANKDV	10,000.00	
18088	MUD	62.10	
18105	BANK OF BENNINGTON	17,046.25	
18091	ROBERT ZARUBA	229.90	
18095	COX	163.60	
18098	GREAT AMERICA FINANCIAL SERVICE	116.13	
18099	JEO CONSULTING, INC.	6,230.00	
18100	OLD REPUBLIC SURETY GROUP	100.00	
18101	PRESTO-X	10.50	
18103	YOUNG & WHITE LAW OFFICES	1,873.40	
18106	POSTMASTER	110.00	
AUTO	EDWARD JONES	993.37	
AUTO	U.S. DEPT OF TREASURY	3,336.70	
DD	MINDI LAAKER	1,390.84	GROSS 2079.32
DD	JENNIFER RAUSCHER	313.56	GROSS 397.73
18109	BERGANKDV	1,244.00	
18114	OPPD	351.96	
18115	DOUGLAS COUNTY REGISTER OF DEEDS	28.00	
18117	BANK OF BENNINGTON	5,275.75	
18120	DOUGLAS COUNTY POST GAZETTE	134.75	
18121	FILTER SHOP	3.63	
18127	PLIC -GRAND ISLAND	39.81	
18128	RELIANCE STANDARD	116.24	
18129	UHS PREMIUM BILLING	1,139.22	
18130	RURAL FIRE DEPARTMENT	32,500.00	
AUTO	U.S. DEPT OF TREASURY	3,431.10	
	<b>CITY TOTAL</b>	<b>93,434.85</b>	

**KENO**

1222	Nebraska Dept. of Revenue	100.00
------	---------------------------	--------

**SEWER**

18081	CITY OF OMAHA CASHIER	17,269.59
18113	ONE CALL CONCEPTS	46.53
18126	PEOPLE SERVICE	1,175.00
	<b>SEWER TOTAL</b>	<b>18,491.12</b>

**LIBRARY**

DD	LYNN BARNA	73.64	GROSS 79.75
DD	DALENE CLARK	491.78	GROSS 491.78
DD	LISA FLAXBEARD	1,215.67	GROSS 1753.29
DD	JOANNE MANCUSO	492.95	GOSS 620.33
DD	SAM'S CLUB/SYNCHRONY BANK	69.92	
18088	MUD	98.00	
18093	ALL MAKES OFFICE EQUIPMENT CO.	99.70	
18094	BAKER & TAYLOR BOOKS	25.81	
18095	COX BUSINESS SREVICES	180.00	
18101	PRESTO-X	21.00	
18102	SAM'S CLUB MC/SYNCHRONY BANK	125.00	
18107	JESSICA ROWE-DESILVA	100.00	
DD	LYNN BARNA	322.52	GROSS 349.25
DD	DALENE CLARK	235.22	GROSS 235.22
DD	LISA FLAXBEARD	1,215.66	GROSS 1753.29
DD	JOANNE MANCUSO	389.43	GROSS 477.45
18114	OPPD	138.60	
18119	AMAZON CREDIT PLAN	313.26	
18121	FILTER SHOP	18.07	
18127	PLIC -SBD GRAND ISLAND	39.81	
18128	RELIANCE STANDARD	103.30	
18129	UHS PREMIUM BILLING	1,097.75	
	<b>LIBRARY TOTAL</b>	<b>6,867.09</b>	

**POLICE**

DD	SHEA DEGAN	133.54	GROSS 144.60
DD	ANDREW HILSCHER	2,152.15	GROSS 2884.62
DD	TRAVIS HERBOLSHEIMER	1,352.38	GROSS 1760.00
DD	DONALD MCGUIRE	160.24	GROSS 173.52
DD	DANIEL STOCKER	1,543.38	GROSS 2240.00
18083	COX BUSIESS SERVICES	138.99	
18086	MODERN MARKETING	70.30	
18088	MUD	273.90	
18089	VERIZON	251.35	
18096	CULLIGAN OF OMAHA	11.00	
18097	DIGITAL ALLY	11,856.00	
18101	PRESTO-X	37.00	
DD	SHEA DEGAN	106.83	GROSS 115.68
DD	TRAVIS HERBOLSHEIMER	1,352.38	GROSS 1760.00
DD	ANDREW HILSCHER	2,152.16	GROSS 2884.62
DD	DONALD MCGUIRE	129.10	GROSS 139.78
DD	MARK SUNDERMEIER	97.93	GROSS 106.04
DD	DANIEL STOCKER	1,438.83	GROSS 2100.00
DD	CUBBY'S	492.73	
DD	GREAT PLAINS UNIFORMS LLC.	65.00	
18114	OPPD	463.16	
18121	FILTER SHOP	3.23	
18127	PLIC -SBD	270.68	
18128	RELIANCE STANDARD	182.29	
18129	UHS PREMIUM BILLING	3,875.54	
	<b>POLICE TOTAL</b>	<b>28,610.09</b>	

**PARKS**

DD	JOHN BOHRER	901.17	GROSS PARKS 755.87 GROSS STREETS 994.02
DD	NATHAN JOHNSON	523.08	GROSS PARKS 34.75 GROSS STREETS 271.88
DD	STUART ELLISON	58.87	GROSS STREETS 68.18
18082	JOHN BOHRER	40.31	
18084	HOME DEPOT CREDIT SERVICES	167.72	
18088	MUD	160.10	
18089	VERIZON	21.71	
18092	ARBOR DAY FOUNDATION	15.00	
18096	CULLIGAN OF OMAHA	5.50	
18101	PRESTO-X	5.25	
18104	CUBBY'S	83.61	
DD	JOHN BOHRER	921.30	GROSS PARKS 754.64 GROSS STREETS 995.25
DD	STUART ELLISON	255.10	GROSS STREETS 295.43
DD	JACOB HYTREK	105.54	GROSS 114.29
DD	NATHAN JOHNSON	597.08	GROSS PARKS 333.50 GROSS STREETS 373.38
18114	OPPD	478.43	
18118	NATHAN JOHNSON	10.70	
18122	H & R CONSTRUCTION	4,215.47	
18124	LOVELAND GRASS PAD	1,625.90	
18125	MENARDS	17.27	
18127	PLIC -SBD	39.81	
18128	RELIANCE STANDARD	142.98	
18129	UHS PREMIUM BILLING	675.79	
	<b>PARKS TOTAL</b>	<b>11,067.69</b>	

**STREETS**

18082	JOHN BOHRER	40.32
18084	HOME DEPOT CREDIT SERVICES	167.72
18085	MICHAEL TODD & COMPANY	182.14
18088	MUD	144.90
18089	VERIZON	21.70
18096	CULLIGAN OF OMAHA	5.50
18099	JEO CONSULTING, INC.	3,528.75
18101	PRESTO-X	5.25
18103	YOUNG & WHITE LAW OFFICES	363.05
18104	CUBBY'S	20.91
18111	DJL PROPERTIES, LLC.	2,072.00
18114	OPPD	4,867.91
18118	NATHAN JOHNSON	10.69
18123	CLEAN SWEEP COMMERCIAL INC.	2,337.50
18125	MENARDS	17.26
18129	UHS PREMIUM BILLING	675.79
	<b>STREETS TOTAL</b>	<b>14,461.39</b>

<b>CITY</b>	<b>93,434.85</b>
<b>SEWER</b>	<b>18,491.12</b>
<b>LIBRARY</b>	<b>6,867.09</b>
<b>POLICE</b>	<b>28,610.09</b>
<b>PARKS</b>	<b>11,067.69</b>
<b>STREETS</b>	<b>14,461.39</b>
<b>TOTAL OF ALL BILLS</b>	<b>172,932.23</b>

## Agenda Item #3

### Ordinance 486

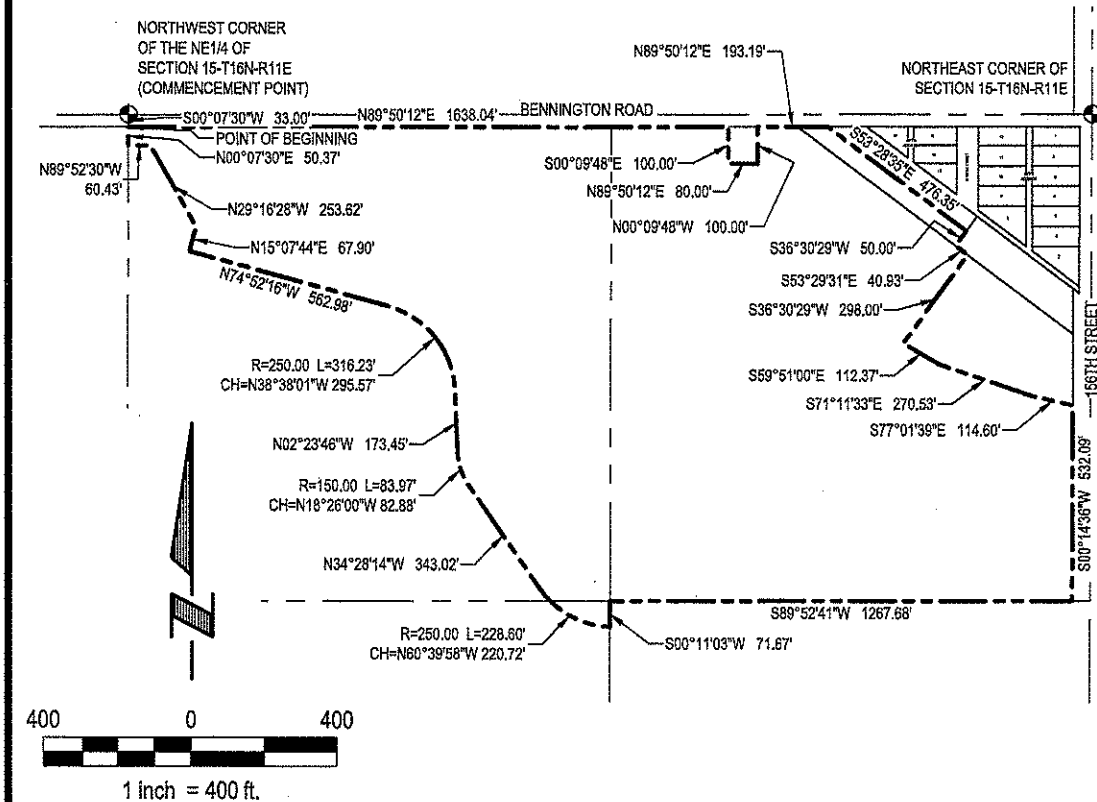
Creating a new subsection 4.11.06  
to the Bennington Zoning  
Regulations

No Attachments

## Agenda Item #4

Acquisition of Real Estate of  
Recreational Uses via Purchase and  
Donation

# EXHIBIT "A"



## LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE SW1/4 OF THE NE1/4, ALONG WITH PART OF THE NW1/4 OF THE NE1/4 AND PART OF THE NE1/4 OF THE NE1/4, ALL LOCATED IN SECTION 15, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NE1/4 OF SECTION 15; THENCE S00°07'30"W (ASSUMED BEARING) ALONG THE WESTERLY LINE OF SAID NE1/4 OF SECTION 15, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BENNINGTON ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE THENCE N89°50'12"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BENNINGTON ROAD, A DISTANCE OF 1,638.04 FEET; THENCE S00°09'48"E, A DISTANCE OF 100.00 FEET; THENCE N89°50'12"E, A DISTANCE OF 80.00 FEET; THENCE N00°09'48"W, A DISTANCE OF 100.00 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF BENNINGTON ROAD; THENCE N89°50'12"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BENNINGTON ROAD, A DISTANCE OF 193.19 FEET; THENCE S53°28'35"E, A DISTANCE OF 476.35 FEET; THENCE S36°30'29"W, A DISTANCE OF 50.00 FEET; THENCE S53°29'31"E, A DISTANCE OF 40.93 FEET; THENCE S36°30'29"W, A DISTANCE OF 298.00 FEET; THENCE S59°51'00"E, A DISTANCE OF 112.37 FEET; THENCE S71°11'33"E, A DISTANCE OF 270.53 FEET; THENCE S77°01'39"E, A DISTANCE OF 114.60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 156TH STREET; THENCE S00°14'36"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 156TH STREET, A DISTANCE OF 532.09 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID NE1/4 OF THE NE1/4 OF SECTION 15; THENCE S89°52'41"W ALONG SAID SOUTHERLY LINE OF THE NE1/4 OF THE NE1/4 OF SECTION 15, A DISTANCE OF 1,267.68 FEET TO THE SOUTHWEST CORNER OF SAID NE1/4 OF THE NE1/4 OF SECTION 15, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID NW1/4 OF THE NE1/4 OF SECTION 15; THENCE S00°11'03"W ALONG THE EASTERLY LINE OF THE W1/2 OF SAID NE1/4 OF SECTION 15, A DISTANCE OF 71.67 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 250.00 FEET, A DISTANCE OF 228.60 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N60°39'58"W, A DISTANCE OF 220.72 FEET; THENCE N34°28'14"W, A DISTANCE OF 343.02 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 150.00 FEET, A DISTANCE OF 83.97 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N18°26'00"W, A DISTANCE OF 82.88 FEET; THENCE N02°23'46"W, A DISTANCE OF 173.45 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 250.00 FEET, A DISTANCE OF 316.23 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N38°38'01"W, A DISTANCE OF 295.57 FEET; THENCE N74°52'16"W, A DISTANCE OF 562.98 FEET; THENCE N15°07'44"E, A DISTANCE OF 67.90 FEET; THENCE N29°16'28"W, A DISTANCE OF 253.82 FEET; THENCE N89°52'30"W, A DISTANCE OF 60.43 FEET TO A POINT ON SAID WESTERLY LINE OF THE NE1/4 OF SECTION 15; THENCE N00°07'30"E ALONG SAID WESTERLY LINE OF THE NE1/4 OF SECTION 15, A DISTANCE OF 50.37 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2,182,136 SQUARE FEET OR 50.095 ACRES, MORE OR LESS.

 <p>E &amp; A CONSULTING GROUP, INC. Engineering • Planning • Environmental &amp; Field Services 10600 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3589</p>	<p><b>E &amp; A CONSULTING GROUP, INC.</b></p> <p>Engineering • Planning • Environmental &amp; Field Services</p> <p>10600 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3589</p> <p>Drawn by: RLS Chkd by: EAS Date: 03/03/2020</p> <p>Job No.: P2019.032.002</p>	<p><b>LEGAL DESCRIPTION</b></p> <p>PART OF THE NE1/4 OF SECTION 15-T16N-R11E</p> <p>DOUGLAS COUNTY, NEBRASKA</p>
---	---	--

Agenda Item #5

156th Street Project



## MEMO

To: Matt John, Mayor, Gene Garrelts, Accountant, John Trecek, Bond Agent  
CC: Mindi Laaker, Clerk  
From: Julie Ogden & Tyler Hevlin  
Date: March 28, 2020  
Subject: 156<sup>th</sup> Street Project Costs and Highway Allocation Bond Amount Options

The attached table shows the costs associated with the project from design through construction. The local share (20%) costs are split between the City and the Bennington School District. NDOT will only invoice the City and the City will pass the school districts payments on to NDOT. In looking at the proposed Highway Allocation Bonds, JEO has prepared the following options with our recommendation on the bond amount.

Based on current estimates, the city's remaining payment(s) is/are \$1,405,400. This would include the payments already made by the City. JEO did include a 5% amount for possible change orders as a safety factor. NDOT has included an estimated amount for construction engineering (since NDOT is providing this service) they had an allowance of 15% of total construction costs for this work. Tyler and I feel this is exceptionally high amount for the size and timeline of this project. This also provides a safety factor for funding since we anticipate this work will come in below (maybe well below) the current estimate.

### Option 1: Conservative Bond Amount

- Bond Amount \$1,450,000 (amount after fees approx. \$1,406,500)
- This would cover all costs (5% change orders and all of the proposed construction engineering).
- This option would limit the requirement of any cash contribution to the project and could result in extra funds at the end.
  - The extra funds would be put in the bond fund and used for payments toward the bonds.

### Option 2: Moderate Bond Amount

- Bond Amount \$1,410,000 (amount after fees approx. \$1,367,700)
- This would cover all costs JEO thinks would occur on the project (5% change orders and 75% of the proposed construction engineering).
- The goal with this option would be to minimize any cash contribution to the project but also most likely not have funds left over.

### Option 3: Lowest Bond Amount

- Bond Amount \$1,375,000 (amount after fees approx. \$1,333,750)
- This would cover construction costs as bid with an allowance of 2% change orders and 60% of the proposed construction engineering.
- With this option, there is not likely going to be any extra funds in the bonds and the city would need to cover any extra costs with cash.

In the overall picture, the options presented are not drastically different. Given that the City has typically had some cash reserves available, we feel any of the three options are feasible. There is some unknown in regard to the total amount needed for construction contingency and construction engineering fees for this project. However, this will be a complex project to construct, so the 5% contingency is reasonable.

We are open to the opinion of those addressed in this Memo, but we feel Option 1 is duly justified and supported.

## Engineering and Overhead Costs

ITEM	TOTAL COST	FED Share	City Share	School Share
Kirkham Michael	\$ 447,014.59	\$ 357,611.67	\$ 89,402.92	
HDR (Design)	\$ 461,651.03	\$ 369,320.82	\$ 92,330.21	
NDOT (Environmental)	\$ 2,267.52		\$ 2,267.52	
ROW (Y&W +JEO)	\$ 9,470.50	\$ 7,576.40	\$ 1,894.10	
Utility Staking (JEO)	\$ 1,680.00	\$ 1,344.00	\$ 336.00	
ROW Costs (all city)	\$ 630.41		\$ 630.41	
ROW Acquisition	\$ 55,776.01	\$ 44,620.81	\$ 11,155.20	
Construction Engineering	\$ 873,821.24	\$ 699,056.99	\$ 174,764.25	
Construction Engineering	\$ 267,315.18	\$ 213,852.14		\$ 53,463.04
NDOT Administration & Audit	\$ 17,500.00	\$ 14,000.00	\$ 3,500.00	
<b>SUBTOTALS</b>	<b>\$ 2,232,570.56</b>	<b>\$ 980,450.34</b>	<b>\$ 376,280.60</b>	<b>\$ 53,463.04</b>

## Construction Costs by Group

ITEM	TOTAL COST	FED Share	City Share	School Share
Group 1-Grading	\$ 483,806.21	\$ 387,044.97	\$ 96,761.24	
Group 1-Grading	\$ 393,799.00	\$ 315,039.20		\$ 78,759.80
Group 1A-Retaining Wall	\$ 255,985.00	\$ 204,788.00	\$ 51,197.00	
Group 3-Concrete Pavement	\$ 3,191,109.30	\$ 2,552,887.44	\$ 638,221.86	
Group 3-Concrete Pavement	\$ 841,689.35	\$ 673,351.48		\$ 168,337.87
Group 4-Culverts	\$ 1,176,447.45	\$ 941,157.96	\$ 235,289.49	
Group 4-Culverts	\$ 137,403.00	\$ 109,922.40		\$ 27,480.60
Group 4A-Sanitary Sewer	\$ 28,297.17	\$ 22,637.74	\$ 5,659.43	
Group 4A-Sanitary Sewer	\$ 136,981.53	\$ 109,585.22		\$ 27,396.31
Group 5-Seeding	\$ 80,885.57	\$ 64,708.45	\$ 16,177.11	
Group 5-Seeding	\$ 21,747.88	\$ 17,398.31		\$ 4,349.58
Group 5L-Landscaping	\$ 24,771.80	\$ 19,817.44		\$ 4,954.36
Group 7-Guardrail	\$ 61,625.00	\$ 49,300.00	\$ 12,325.00	
Group 7B-Fence	\$ 60,871.00	\$ 48,696.80		\$ 12,174.20
Group 8B-Electrical	\$ 272,434.09	\$ 217,947.27	\$ 54,486.82	
Group 8B-Electrical	\$ 84,503.50	\$ 67,602.80		\$ 16,900.70
Group 8C-Signing	\$ 27,813.90	\$ 22,251.12	\$ 5,562.78	
Group 10-General	\$ 247,071.22	\$ 197,656.98	\$ 49,414.24	
Group 10-General	\$ 80,334.11	\$ 64,267.29		\$ 16,066.82
<b>SUBTOTALS</b>	<b>\$ 7,607,576.08</b>	<b>\$ 6,086,060.86</b>	<b>\$ 1,165,094.98</b>	<b>\$ 356,420.23</b>
Contingency - Change Orders(5%)	\$ 380,378.80	\$ 304,303.04	\$ 58,254.75	\$ 17,821.01
<b>TOTAL for CONSTRUCTION</b>	<b>\$ 7,987,954.88</b>	<b>\$ 6,390,363.91</b>	<b>\$ 1,223,349.73</b>	<b>\$ 374,241.25</b>

TOTALS \$ 10,220,525.45 \$ 7,370,814.24 \$ 1,599,630.33 \$ 427,704.28

## City Payments Made

DATE	TOTAL COST	City Share
2007 to 2009 (KM Agreement)		\$ 89,402.90
5/11/2017		\$ 53,926.76
10/1/2018		\$ 42,009.99
Credit for Condemnation costs		\$ 7,576.40
Credit for Utility Staking		\$ 1,344.00
Subtotal		\$ 194,260.05
<b>Estimated amount due</b>		<b>\$ 1,405,370.28</b>

A meeting of the Mayor and Council of the City of Bennington, Nebraska, was held at the \_\_\_\_\_ in said City on the \_\_\_\_ day of April, 2020, at \_\_\_\_\_ o'clock P.M.

Present were: Mayor: \_\_\_\_\_. Council Members: \_\_\_\_\_.

Absent: \_\_\_\_\_. Notice of the meeting was given in advance thereof by \_\_\_\_\_, a designated method for giving notice, as shown by the (Affidavit of Publication) (Certificate of Posting Notice) attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

Council Member \_\_\_\_\_ introduced Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2020, IN THE AMOUNT OF NOT TO EXCEED ONE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000) FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING CERTAIN PAVING AND RELATED IMPROVEMENTS IN AND FOR THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND; AGREEING TO LEVY TAXES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

and moved that the statutory rule requiring reading on three different days be suspended. Council Member \_\_\_\_\_ seconded the motion to suspend the rule and upon roll call vote on the motion the following Council Members voted YEA: \_\_\_\_\_

\_\_\_\_\_. The following voted NAY: \_\_\_\_\_. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member \_\_\_\_\_ moved for final passage of the ordinance, which motion was seconded by Council Member \_\_\_\_\_. The Mayor then stated the question was "Shall Ordinance No. \_\_\_\_\_ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: \_\_\_\_\_  
\_\_\_\_\_. The following voted NAY: \_\_\_\_\_. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2020, IN THE AMOUNT OF NOT TO EXCEED ONE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000) FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING CERTAIN PAVING AND RELATED IMPROVEMENTS IN AND FOR THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND; AGREEING TO LEVY TAXES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BENNINGTON, NEBRASKA:

Section 1. The Mayor and Council hereby find and determine:

(a) That the City is engaged in the construction of certain street improvements within the City and that payment of the costs of said improvements is necessary, which costs will constitute valid obligations of the City;

(b) That the City does not have funds with which to pay the cost of the improvements and it is necessary and advisable for the City to borrow money and pledge the funds to be received from the Highway Allocation Fund to the payment of the bonds issued by the City for this purpose;

(c) That the total estimated cost necessary to be funded at this time, as certified by the City and considering the costs of issuance of the bonds herein contemplated, is not less than \$1,450,000;

(d) That the City currently has \$390,000 in bonds outstanding issued pursuant to Section 66-4,101, R.R.S Nebraska 2018; and

(e) That based upon current receipts by the City for its road funds from funds which are attributable to the State of Nebraska Highway Allocation Fund, the City anticipates receipts in future years which will exceed the payments due on the outstanding bonds and on the bonds herein authorized in each year;

(f) That all conditions exist for the issuance of bonds in the amount of not to exceed \$1,450,000 pursuant to Section 66-4,101, R.R.S. Nebraska 2018.

Section 2. For purposes as set out in Section 1 hereof, Highway Allocation Fund Pledge Bonds, Series 2020, in the principal amount of not to exceed \$1,450,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Treasurer prior to delivery, are hereby authorized to be issued. The bonds shall be dated as of their date of delivery and shall mature on the dates, be issued in the principal amount and shall bear interest at the rates per annum all as determined in the Bond Purchase Agreement (the "Agreement") signed by the Mayor or City Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the City and agreed to by Ameritas Investment Company, LLC (the "Underwriter"), which Agreement may also set the pricing terms and the terms pursuant to which the Bonds may be redeemed prior to maturity, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$1,450,000;
- (b) the true interest cost (TIC) of the Bonds shall not exceed 3.05%;
- (c) the underwriter's discount shall not exceed 1.20%; and
- (d) the longest maturity of the Bonds shall mature no later than September 15, 2039.

The Authorized Officers are authorized to establish the final terms for the Bonds and arrange for issuance of the Bonds without further action by the Council, provided, however, that the authority of the Authorized Officers to act without further action by the Council shall lapse if not exercised on or before October 31, 2020. The bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the bonds issued shall be as directed by the initial purchasers thereof. Interest on the bonds shall be payable semiannually on dates designated by the Authorized Officers in the Agreement. The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the interest payment date (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The City and said Paying Agent and Registrar may treat the registered owner of any bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the City nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any bond is not paid upon presentation of the bond at maturity or any interest installment is not paid when due, the delinquent

bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the bonds. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the bonds at the office of the Paying Agent and Registrar in Bennington, Nebraska. The names and registered addresses of the registered owner or owners of the bonds shall at all times be recorded in such books. Any bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new bond or bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the bonds by this ordinance, one bond may be transferred for several such bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a bond, the surrendered bond or bonds shall be cancelled and destroyed. All bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer bonds during any period from any Record Date until its immediately following interest payment date. In the event that payments of interest due on the bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing more than five (5) years after their date of issue shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of delivery of such Bonds, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed in its sole discretion but bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the

mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefore under his/her official bond. Such Treasurer shall maintain a record of information with respect to said bonds in accordance with the requirements of Section 10-140, R.R.S. Nebraska 2012, as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each bond in the name of its initial registered owner as designated by the initial purchaser. Each bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the bonds. Upon issuance of the bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a bond from a Bond Participant while the bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the bonds. The Paying Agent and Registrar shall make payments with respect to the bonds only to or

upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the bonds or (ii) to make available bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the bonds be delivered to the ultimate Beneficial Owners of the bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such bond and all notices with respect to such bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the bonds may be delivered in physical form to the following:

- (i) any successor securities depository or its nominee; or
- (ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement.

(f) In the event of any partial redemption of a bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of

certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any bond shall cease to be such officer before the delivery of such bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 7. Said bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF DOUGLAS  
CITY OF BENNINGTON

HIGHWAY ALLOCATION FUND PLEDGE BOND  
SERIES 2020

Bond No.

\$

Interest Rate  
%

Maturity Date

Date of Original Issue

CUSIP No.

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Bennington, in the County of Douglas, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity at the rate per annum specified above. Said interest shall be payable semiannually on the fifteenth day of March and September in each year, starting September 15, 2020. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity shall be paid on each interest payment date by the City Treasurer as Paying Agent and Registrar for the City, by wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the interest payment date, at such owner's registered address as it appears on the books of registration of the City. The principal of this bond and the interest due at maturity is payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent in Bennington, Nebraska. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the City hereby pledges all receipts by the City which are attributable to the Highway Allocation Fund of the State of Nebraska. In the event such receipts for the Highway Allocation Fund are insufficient to meet the payments of principal and interest, the full faith, credit and resources of said City are hereby irrevocably pledged.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after September 15, 2025, in whole or in part, on the fifth anniversary of the date of issue or at any time thereafter. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of \$1,450,000, of like tenor herewith except as to date of maturity and rate of interest, issued by said City for the purpose of paying the costs of street improvements constructed within the City, and is issued pursuant to Section 66-4,101, R.R.S. Nebraska 2018. This bond and the others of said issue have been duly authorized by an ordinance duly passed and adopted by the Mayor and Council of said City.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. This bond and the interest accruing hereon shall be payable from funds received by the City from the Highway Allocation Fund of the State of Nebraska which have been pledged to the payment of such principal and interest or from ad valorem taxes levied by the City, within applicable statutory limitations, as provided in Section 66-4,101, R.R.S. Nebraska 2018. The City has reserved the right to issue additional bonds payable from receipts from the Highway Allocation Fund of the State of Nebraska, without limitation.

IN WITNESS WHEREOF, the Mayor and Council of the City of Bennington, Nebraska, have caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of original issue shown above.

CITY OF BENNINGTON, NEBRASKA

ATTEST:

By: \_\_\_\_\_ (Do not sign)  
Mayor

\_\_\_\_\_  
(Do not sign)  
City Clerk

(S E A L)

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by an ordinance passed and approved by the Mayor and Council of the City of Bennington as described in said bonds.

\_\_\_\_\_  
(do not sign)  
City Treasurer, City of Bennington,  
Nebraska, Paying Agent and Registrar

(FORM OF ASSIGNMENT)

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

SIGNATURE GUARANTEED

By \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Said bonds are hereby sold to Ameritas Investment Company, LLC upon the terms set forth in the Agreement approved by the Authorized Officers within the parameters set forth in Section 2 above and the City Treasurer is authorized to deliver the bonds to said purchaser upon receipt of the said amount plus accrued interest to the date of payment. Said bonds are sold to the purchaser subject to the opinion of independent bond counsel that said bonds are lawfully issued; that said bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on said bonds is exempt from both Nebraska state and federal income taxes. The proceeds of the bonds herein authorized shall be used to pay the cost of constructing improvements as set out in Section 1. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing.

Section 9. For the payment of the bonds, principal and interest as the same fall due, there are hereby pledged all receipts by the City which are attributable to the Highway Allocation Fund of the State of Nebraska. So long as the City has in each year made adequate provision for the payments of principal and interest due on the bonds falling due in such year, monies received by the City attributable to the Highway Allocation Fund may be applied for any other permitted purpose. The City reserves the right to issue additional bonds pursuant to Section 66-4,101, R.R.S. Nebraska 2018, which shall also be secured equally and ratably with the bonds by a pledge of funds to be received by the City attributable to the Highway Allocation Fund without limitation. The City hereby agrees that, in the event that receipts by the City in any year attributable to the Highway Allocation Fund are insufficient to meet the payments of principal and interest falling due on the bonds, the City shall

levy ad valorem taxes upon all taxable property in the City, at such rate or rates, within applicable statutory limitations, as will provide funds which, together with receipts from the Highway Allocation Fund, will be sufficient to pay principal and interest on the bonds as they severally mature. The City reserves the right to issue additional bonds pursuant to Section 66-4,101, R.R.S. Nebraska, 2018.

Section 10. The City Council hereby authorizes the Mayor and Clerk, or either of them, to approve (and declare final) on behalf of the City a preliminary Official Statement with respect to the Bonds and hereby authorizes the Mayor and Clerk, or either of them, to approve, execute and deliver on behalf of the City a final Official Statement relating to and describing the Bonds. The officers of the City are further authorized to take any and all actions deemed necessary by them in connection with the carrying out and performance of the terms of this Ordinance.

Section 11. In accordance with the requirements of Rule 15c2-12 of the Securities Exchange Act of 1934 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated persons" other than the City with respect to the Bonds, and being an "obligated person" with respect to no more than \$10,000,000 in aggregate amount of outstanding municipal securities (including the Bonds), agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB for such series of Bonds:

- (a) at least annually not later than nine months after the end of the City's fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available, including the City's audited financial statements and information of the type included in the final official statement under the heading "Financial Statement";
- (b) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:
  - (1) principal and interest payment delinquencies;
  - (2) non-payment related defaults, if material;
  - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;
  - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
  - (7) modifications to rights of the holders of the Bonds, if material;
  - (8) Bond calls, if material, and tender offers;
  - (9) defeasances;

- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above. The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the applicable series of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under this Ordinance. The continuing disclosure obligations of the City with regards to a series of the Bonds, as described above, shall cease when none of the Bonds of such series remain outstanding.

Section 12. The City of Bennington, Nebraska, hereby covenants to the purchasers and holders of the bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said bonds, which would cause said bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2020 in an amount in excess of \$10,000,000. The City Treasurer is hereby authorized to make allocations of bonds and bond proceeds with respect to said issue in accordance with the Regulations of the United States Treasury under Section 148 of the Code.

Section 13. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the City has previously adopted a Post-Issuance Compliance Policy and Procedures which remain in full force and effect and are applicable to the Bonds.

Section 14. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of April, 2020.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(S E A L)

I, the undersigned, City Clerk, of the City of Bennington, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on April \_\_\_\_\_, 2020; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

---

City Clerk

(SEAL)

# Invoice



HDR Engineering, Inc.  
1917 S. 67th Street  
Omaha, NE 68106  
(402)399-1000

Mindi Laaker  
City of Bennington  
15512 Warehouse St  
Bennington, NE 68007-5510

## FINAL INVOICE

<u>Invoice No.</u>	1200248959	
<u>Invoice Date</u>	2/18/2020	
<u>Period Ending</u>	2/1/2020	
<u>Project No.</u>	10019145	\$7,493.52
<u>Client No.</u>	435239	
CON0082362		
NTP 6/19/13		Exp date 6/30/2020

156th Street in Bennington  
Project No. STPC-3805(5)  
Control No. 22233

Professional engineering services.

(Period December 30, 2018 to February 1, 2020)

Direct Salary Costs (per attached)

Overhead:	155.44%	x	\$2,393.24	=				\$2,393.24
								\$3,720.05
								\$6,113.29

Sub-Total

### Fixed Fee:

\$6,113.29	x	13.45%	=	\$822.24	Billed to maximum:	\$1,380.19
------------	---	--------	---	----------	--------------------	------------

Other Expenses (per attached)

\$0.04  
\$0.04

Subconsultants (per attached)

Total Expenses  
\$0.00  
\$0.04

### SUMMARY

Maximum Actual Cost Limit (HDR):	\$97,328.96
Fixed Fee (HDR):	\$11,722.25
Maximum Billable:	\$109,051.21
Fee Billed to Date:	\$91,215.36
Fixed Fee Billed to Date:	\$11,722.25
Total Billed to Date:	\$102,937.61

Please send remittance with copy of invoice to:  
P.O. Box 74008202  
Chicago, IL 60674-8202

<b>Amount Due This Invoice</b>	<b>\$7,493.52</b>
--------------------------------	-------------------

**156th Street in Bennington**  
**Project No. STPC-3805(5)**  
**Control No. 22233**

(Period December 30, 2018 to February 1, 2020)

<u>Name</u>	<u>Classification</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
L. Richardson	Project Manager	18.00	\$76.5522	\$1,377.94
K. Farrell	Sr Environmental Scientist	2.00	\$55.8600	\$111.72
C. Modrcin	Environmental Scientist	26.25	\$33.5455	\$880.57
T. McKinley	Accounting	0.50	\$46.0200	\$23.01
		46.75		\$2,393.24

**Travel Expenses**

\$0.00

**Other Expenses**

Printing

\$0.04

\$0.04

**Total Expenses**

\$0.04

**Subconsultants**

Historic Resources Group



# Cost Breakdown Form

## for Actual Cost Plus Fixed Fee (CPFF) Agreements

Company Name:	HDR Engineering, Inc.		
Control No.:	22233	Project No.:	STPC-3805(5)
Project Location:	156th Street in Bennington		
Agreement No.:	BK1344	Expire Date:	06/30/20
Invoice No.:	1200248959	Invoice Date:	02/18/20
% Work Completed:	See attached		
Current Billing Period:	12/30/2018	thru	2/1/2020

Agreement No: <b>BK1344</b>		Max Actual costs	Max Fixed Fee (Profit)	Total Contract Amount
Agreement amount thru supplement # 004		\$97,328.96	\$11,722.25	\$109,051.21
		Amount		
		This Period	Previously Billed	To Date
Direct Labor		\$2,393.24	\$30,388.52	\$32,781.76
Overhead @	155.44% of direct labor	\$3,720.05	\$46,504.15	\$50,224.20
Fixed Fee @	13.45% of labor+overhead	\$822.24	\$10,342.06	\$11,164.30
FCCM @	of direct labor	\$0.00	\$0.00	
Direct Costs (Non-Labor)		\$0.04	\$1,188.36	\$1,188.40
Outside Services (Subconsultants):				
<u>Name</u>	<u>Max Amount</u>			
Historic Resources Group	\$8,791.50		\$7,021.00	\$7,021.00
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
Adjustments:				
fixed fee for profit		\$557.95	\$0.00	\$557.95
Other:			\$0.00	
<b>Total Amount DUE &gt;&gt;</b>		<b>\$7,493.52</b>	<b>\$95,444.09</b>	<b>\$102,937.61</b>

By submitting this form electronically to State, Consultant certifies submitted costs are actual and allowed by contract.		Total Agreement Amount Remaining:	\$6,113.60
		Total Fixed Fee Remaining:	\$0.00
Signature (typed or signed name required):	Title:	Date:	
Lisa Richardson	Project Manager	2/18/2020	
Consultant's email contact for invoice-related questions: <a href="mailto:lisa.richardson@hdrinc.com">lisa.richardson@hdrinc.com</a>			

# Project Commitments Memo

Date: Wednesday, January 22, 2020

Project: 156<sup>th</sup> Street in Bennington

To: Mindi Laaker, Clerk, City of Bennington

From: Lisa Richardson, HDR Engineering

Subject: City Commitments for Construction

There are numerous environmental commitments associated with the 156<sup>th</sup> Street project. Many of these commitments have been addressed during design while several others need to be addressed during construction. The purpose of this memo is to document the remaining commitments that the City of Bennington (City) is responsible for before and during construction of the 156<sup>th</sup> Street in Bennington project. If the City is responsible for a particular commitment, a brief description of the City's responsibility is listed below the respective commitment. Commitments that the City is solely responsible for are highlighted in **turquoise** below. Commitments that the City's Contractor will complete but the City will ultimately be responsible for are highlighted in **yellow**. The approved CE for the project includes a complete list of environmental commitments, including those that have already been completed and are not listed below.

## Section 4(f) Mitigation:

The Bennington Papio School Trail will have temporary closures of no more than five working days due to the guardrail work on the Big Papillion Creek Bridge (C002810615). These closures shall be limited to normal daytime working hours and the trail shall be reopened to users each evening. (Contractor)

The Bennington Papio School Trail will have width restrictions at one or more locations during construction of storm sewer inlets along Bennington Road but half the trail shall remain open at all times during inlet construction. (Contractor)

The easternmost segment of the Bennington Papio School Trail will be temporarily closed due to construction at the 156th Street and Bennington Road intersection. Access to the trail shall be maintained from the south. (Contractor)

One manhole/area inlet will be constructed adjacent to the Big Papillion Creek Bridge (C002810615) at approximately Sta. 104+30.00. To avoid impacts to the Bennington Papio School Trail, this inlet shall be bored under the trail. The trail shall remain open during construction of this inlet. (Contractor)

Phasing shall allow for continued access to Bennington School Track and Ball Fields and playground area during construction. During the phase of construction on Bennington Road, west of 156th Street, the Bennington School Track and Ball Fields and playground area shall be accessed from 156th Street, just north of Bennington Elementary School. During the phase of construction along 156th Street, north of Bennington Road, the Track and Ball Fields and playground area shall be accessed from parking area along the north side of Bennington Road, west of the school. Construction phases shall not occur concurrently. (Contractor)

The Contractor shall only disturb the Bennington Papio School Trail in areas that are already marked for disturbance. The remainder of the trail shall be left undisturbed. (Contractor)

The contractor shall not work, stage, stockpile or store materials within the boundary of the following Section 4(f) properties: Oft-Gordon House, Johns-Bohn Park, Doug Nelson Youth Complex, Bennington School Track & Ball Fields, Bennington School playground area, Tim Ohrt Park, Centennial Park, Bennington Papio School Trail. If it is determined that temporary or permanent right-of-way is required from or access is restricted to a Section 4(f) property, coordination shall occur with NDOT Environmental. (Contractor)

**Other Property Impacts Mitigation:**

If federal funds are used for any utility relocation deemed necessary later in the project, or if a determination is made that the construction contractor will relocate or remove utilities, a re-evaluation shall be necessary. (NDOT Environmental)

All affected utilities shall be coordinated through NDOT and the Contractor as per NDOT's Standard environmental commitments, the NDOT Environmental commitments are not subject to change without prior written approval from NDOT. (Project Sponsor, Contractor)

*The City's Contractor will ensure that utility impacts are coordinated through NDOT following the other utility commitments.*

Any utility adjustments or interruption of service for the convenience of the Contractor shall be the sole responsibility of the Utility. Any environmental permits required for utility relocations shall be the responsibility of the Utility. (Utility Provider(s))

**Wetlands/Waters of the U.S. Mitigation:**

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and Bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas. (Contractor, Project Sponsor)

*The City's Contractor will ensure that no staging or storing of construction materials will occur in known or potential wetlands or Waters of the U.S.*

**Impaired Waters, MS4, and Section 402 Mitigation:**

An NPDES Construction General Permit shall be required for this project. Erosion control plans and Storm Water Pollution Prevention Plans (SWPPP) are required for all projects that have one acre or more of disturbed soil. A SWPPP shall be prepared by the Project Sponsor and the Project Sponsor shall submit a Notice of Intent (NOI) to NDEQ for project authorization under the statewide NPDES permit prior to project letting. The SWPPP shall be updated and maintained by the engineering firm responsible for managing the project through construction on behalf of the Project Sponsor. (Project Sponsor)

*A SWPPP was submitted to NDOT as part of the July PS&E submittal. No comments have been received. NDOT is handling the construction inspections and is responsible for obtaining the NPDES permit and maintaining the SWPPP throughout construction. The City will coordinate with NDOT to confirm that the SWPPP is maintained.*

The Contractor shall install and maintain erosion and sediment control Best Management Practices (BMPs). (Contractor)

**General Threatened and Endangered Species Conservation Conditions:**

A-1 Changes in Project Scope. If there is a change in the project scope, the project limits, or environmental commitments, the NDOT Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

A-2 Conservation Conditions. Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (District Construction, Contractor)

A-3 Early Construction Starts. Request for early construction starts must be coordinated by the Project Construction Engineer with NDOT Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. (District Construction, Contractor)

A-4 E&T Species. If federal or state listed species are observed during construction, contact NDOT Environmental. Contact NDOT Environmental for a reference of federal and state listed species. (NDOT Environmental, District Construction, Contractor)

A-5 Refueling. Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. (Contractor)

A-6 Restricted Activities. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or sectiontownship- range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

For activities outside the project limits, the contractor should refer to the Nebraska Game and Park Commission website to determine which species ranges occur within the off-site area. The contractor should plan accordingly for any species surveys that may be required to approve the use of a borrow site, or other off-site activities. The contractor should review Chapter 11 of the Matrix (on NDOT's website), where species survey protocol can be found, to estimate the level of effort and timing requirements for surveys.

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOT Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOT, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOT Environmental, District Construction, Contractor).

A-7 Waste/Debris. Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)

A-8 Post Construction Erosion Control. Erosion control activities that may take place by NDOT Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere

to any standard conservation conditions for species designated for the project area during construction. (NDOT Maintenance, District Construction, Contractor)

#### **Species and Habitat Mitigation:**

**S-3 Revegetation.** All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOT Environmental)

**Bald Eagle** - This project was also reviewed for potential impacts to bald and golden eagles. It appears that the environmental study area contains suitable nesting and winter roosting habitat for eagles. According to the Natural Heritage Database, there are records of eagles and eagle nests within five miles, and that suitable habitat does exist within 0.5 miles of the Environmental Study Area. NDOT will utilize the Bald Eagle Survey Protocol to determine when a survey for nests/roosts should be conducted. If the survey identifies nest(s) are present within 0.5 miles of the project area, NDOT will notify NGPC and the Service, and construction will not commence prior to their approval. (NDOT Environmental)

#### **Historic Properties Mitigation:**

Access to the alley between 156th Street and Molley Street from Warehouse Street shall be maintained throughout construction. (Contractor, Project Sponsor)

*The City's Contractor will maintain access to the alley throughout construction. The City will ensure that the alley is not affected by other projects or closed for any other reason during 156th Street construction.*

Prior to removal of the northernmost tree, portions of the wrought iron fence shall be removed by the property owner. (Project Sponsor)

*The City will ensure that either they or the Contractor are coordinating with the Oft-Gordon House owners prior to removal of the tree and that the Oft-Gordon House owners are adhering to the stipulations laid out in the Agreement.*

#### **Hazardous Materials Mitigation:**

There is potential for moderate petroleum contamination to be present in the soils and/or groundwater between stations 18.00 and 21.50 associated with the property on the southwest corner of 156th St and Bennington Road (15605 Bennington Road). The Contractor shall be aware of the possibility of encountering contamination in this area during storm sewer reconstruction and traffic signal construction. The Contractor shall look for signs such as petroleum odor and/or discolored soil. The NDOT State Representative shall be notified when construction occurs in the suspect area. If contamination is discovered, all work in the immediate area shall be stopped until NDEQ/NDOT are notified and a materials and management plan has been developed and approved. The contractor shall manage the waste in accordance with Title 128, Nebraska Hazardous Waste Regulations. The contractor is required by NDOT's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws. (Project Sponsor, Contractor)

*The City's Contractor will notify the NDOT State Representative when construction is planned in this area. Additionally, the Contractor will ensure that the correct protocol listed in this commitment is adhered to if contamination is found.*

If contaminated soils/water or unexpected wastes are discovered, The Contractor shall stop all work within the immediate area. The Contractor shall secure the area of the discovery and notify the NDOT State Representative. The Contractor shall not re-enter the discovery area until allowed to do so by the State Representative. At the time of discovery, the NDOT State Representative and Contractor shall utilize the Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The actions to be carried out by the State Representative are (but not limited to): verification that the contractor has suspended construction activities in the area of the discovery, contact the Environmental Section Manager and make an entry into Site Manager that an unexpected waste discovery was made. The State Representative shall then utilize the UWAP Site Discovery Check List to properly document the extent and type of waste. The State Representative shall ensure that proper disposal of the waste and any required health and safety mitigation is implemented by the Contractor. The Contractor is required by NDOT's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of regulated material in accordance with applicable laws. (Project Sponsor, Contractor)

*The City's Contractor will notify the NDOT State Representative if unexpected wastes are encountered. Additionally, the Contractor will ensure that the correct protocol listed in this commitment is followed if contamination is found.*

#### **Traffic Disruption Mitigation:**

The City of Bennington shall coordinate with the Bennington Days committee to plan for the location of Bennington Days activities, including the parade route, so that the Project does not interfere with any planned activities. (Project Sponsor)

*The City's Contractor will coordinate with the Bennington Days organizers regarding event and activity locations during construction.*

The detours must create less than 10 miles of adverse (out-of-direction) travel within an urban environment and less than 30 miles in a rural setting with access provisions for local traffic. (Project Sponsor, Contractor)

*The City's Contractor will ensure that if a detour route change is necessary that the new route does not exceed 10 urban miles.*

#### **Access Disruption Mitigation:**

As the Project continues into design and construction, additional coordination shall occur with Police, Fire, and the Bennington School District to keep all parties informed and finalize the details of emergency response. (Project Sponsor, Contractor)

*The City's Contractor will coordinate with the above listed entities throughout construction to ensure that emergency response routes are minimally affected.*

Construction of Phase 2 (156th Street north of Bennington Road) shall be completed outside of the school year, so as not to interfere with school-related traffic that would use the school entrance along 156th Street. (Contractor)

Direct access to a residential property or driveway cannot be closed for more than 10 working days and complete access closure to businesses during operational hours (when the facility is open to the public, normal working hours when employees are present, or any time when shipping or receiving

materials/products) or emergency services cannot occur. During access closure, reasonable and safe indirect access accommodation must be provided by the contractor to the property owner/tenant. (Contractor)

During construction of 156th Street, a safe crossing of 156th Street by the Bennington Police Station shall be provided for officers during construction and the Douglas County Sheriff's office shall be informed of construction activities and closures prior to the start of construction. (Project Sponsor, Contractor)

*The City's Contractor will provide a safe crossing for the Bennington Police Department during construction and provide timely updates on closures. The City will secure temporary enclosed vehicle storage for Fire Department vehicles during Phase 1. (Project Sponsor)*

*The City will find a temperature controlled storage area for a Fire Department vehicle during the full closure between the start of the project and Warehouse Street (currently listed as Phase 1 in the CE). Initial discussions during design indicated that one of the vehicle bays at the library could be used for this purpose.*

#### **Public Involvement Mitigation:**

A minimum of one news release shall go to all local and area media, and be posted on the NDOT website prior to the start of construction work. (NDOT District, NDOT Communication)

*While this commitment lists NDOT as the responsible party, this commitment will be fulfilled by the City. The notice will be placed on the City's website.*

#### **Borrow, Debris Disposal, and Staging:**

Any material needed will be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOT to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project. (Contractor)

The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall be required to dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal shall be the responsibility of the Contractor. A waste site may be needed. The Contractor shall be responsible to obtain all permits and clearances and all conditions of those permits. (Contractor)

#### **Airport:**

Because of the proximity to the Blair Municipal Airport in Blair, the height of any equipment used in the construction of the project (or any antennae installed on the equipment) shall not exceed the local airport's Height Restriction Zoning. Any Contractor involved in the project shall use the Notice Criteria Tool available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. (Contractor)

If required, the Contractor shall file a 7460-1 Form with the Federal Aviation Administration (FAA). The form shall be required if the Contractor uses any equipment over 200' tall, or the equipment breaks a 100:1 slope from a public-use airport. This includes any trucks or equipment used during the construction of the project. NDOT's Roadway Design Division shall verify clearance for permanent construction in the controlled zone from the Nebraska Department of Aeronautics (NDOA) and FAA. NDOT's Roadway Design Division shall identify those contracts that shall require the special provision concerning the Contractor's responsibility to gain FAA and NDOA clearance for temporary

encroachments due to construction operations. NDOT's Plans, Specification & Estimates (PS&E) / Contracts shall include the special provision in the appropriate project contracts. (Contractor)



Engineering | Architecture | Surveying | Planning

Invoice

March 12, 2020  
Project No: R050728.00  
Invoice No: 115510  
Invoice Amount: 1,000.00

Mindi Laaker  
City of Bennington  
PO Box 221  
15505 Warehouse Street  
Bennington, NE 68007

Project Manager Tyler Hevlin

Project R050728.00 Bennington 156th Street Administration Services

**Professional Services through March 6, 2020**

- Provide assistance in getting comments returned to NDOT to maintain bid letting dates

	Contract Amount	Percent Complete	Billed-to-Date	Previous Billing	Current Billing
<b>Hourly Phase(s)</b>					
Study and Report			\$60,340.50	\$60,340.50	0.00
Administration and Assistance			\$3,961.25	\$2,961.25	\$1,000.00
Condemnation Hearing Services			\$2,513.75	\$2,513.75	0.00
Construction Staking for Utility Relocations			\$1,320.00	\$1,320.00	0.00
<b>Total</b>			<b>\$68,135.50</b>	<b>\$67,135.50</b>	<b>\$1,000.00</b>
<b>Total Amount Due Upon Receipt</b>					<b>\$1,000.00</b>

	Current	Prior	Total
<b>Billings to Date</b>	<b>1,000.00</b>	<b>67,135.50</b>	<b>68,135.50</b>

**Outstanding Invoices**

Number	Date	Balance
114955	2/12/2020	3,528.75
<b>Total</b>		<b>3,528.75</b>

Email invoice to: Mindi Laaker, [clerk@benningtonne.com](mailto:clerk@benningtonne.com)

# Billing Backup

Thursday, March 12, 2020

JEO Consulting Group, Inc.

Invoice <Draft> Dated 3/12/2020

10:19:13 AM

Project	R050728.00	Bennington 156th Street Administration Services
Phase	100GA	Administration and Assistance

## Hours this Invoice

		Hours		Amount
63 - Borchers, Julie	2/13/2020	.50	185.00	92.50
review NDOT agreements and work on costs for spreadsheet				
63 - Borchers, Julie	2/14/2020	.25	185.00	46.25
63 - Borchers, Julie	2/25/2020	1.00	185.00	185.00
set up cost spreadsheet for project				
63 - Borchers, Julie	2/27/2020	.50	185.00	92.50
complete cost table				
63 - Borchers, Julie	2/28/2020	.50	185.00	92.50
invoicing items with Mindi (for ndot reimbursement request)				
63 - Borchers, Julie	3/2/2020	.25	185.00	46.25
63 - Borchers, Julie	3/3/2020	.75	185.00	138.75
update estimated city costs based on bid, call with NDOT, project tracker				
63 - Borchers, Julie	3/4/2020	.25	185.00	46.25
project tracker				
102 - Hevlin, Tyler	2/27/2020	.50	260.00	130.00
102 - Hevlin, Tyler	2/28/2020	.50	260.00	130.00
Totals		5.00		1,000.00
<b>Total Labor</b>				<b>1,000.00</b>
			<b>Total this Phase</b>	<b>\$1,000.00</b>
			<b>Total this Project</b>	<b>\$1,000.00</b>
			<b>Total this Report</b>	<b>\$1,000.00</b>

# Bennington 156th Street Project Tracker



Apr-20

Task	Responsible Party	Assigned To	Estimated Start	Estimated Finish	Status	Task Comments (Note: Text in red indicates it has changed since the last status update)
Storm Sewer Redesign for MUD—Project Plan Preparation	HDR	Kevin Moody	11/11/2019	11/12/2019	Complete	The design is completed and plans have been reviewed/accepted by NDOT
Storm Sewer Redesign for MUD—Environmental Review	HDR	Kevin Moody		11/7/2019	Complete	The re-evaluation is complete. HDR is providing the city with a list of environmental commitments the city is responsible for during construction so that they can be tracked and accounted for.
Storm Sewer Redesign for MUD—Special Provisions	HDR	Kevin Moody		12/9/2019	Complete	MUD completed these items and HDR provided them to NDOT for inclusion in the bid documents.
Environmental Re-Evaluation (of NEPA findings for changes to project plans)	NDOT			12/20/2019	Complete	The re-evaluation is complete
Right of Way—Church Property—Easement	NDOT			1/31/2019	Complete	Per NDOT (12/4/19): We will not condemn the church. They have given us a letter stating that they will sign at their meeting in January. JEO reached out to NDOT to confirm this is complete.
Right of Way - Condemnations - Anytime Fitness	City Attorney	Jeff Miller	11/26/2019	1/20/2019	Pending	The hearing awarded the property owner \$3,500. NDOT has put that amount in an account (similar to an escrow) account. Since the funds have been deposited, the city owns the ROW and easements and has access to the property for the project. <b>The property owners are appealing the award by the appraisers. A hearing date has not been set yet on this.</b>
Right of Way—Encroachments	JEO-Administration	Julie Ogden		11/5/2019	Complete	ROW Certification documentation has been submitted to NDOT showing all items are now completed.
Final Plans to NDOT for Bidding	HDR	Kevin Moody	1/13/2020	1/17/2020	Complete	Received notification from NDOT on January 31st that all plans and specifications were complete and they were requesting obligation of funds from NDOT for the project in the February letting.
Utility Relocations - Century Link			1/20/2020		Under Construction	A contractor for CenturyLink has indicated they are going to start relocation work soon and requested staking information to complete that work. We have not received a schedule for the relocations but the work you will see to start is at 156th Street and Bennington Road. JEO set stakes for the Contractor.
Utility Relocations - MUD			3/15/2020		Under Construction	<b>A contractor for MUD has started the waterline relocation work for the watermain and service connection. This work will continue through April along 156th and then to Bennington Road. While MUD's contractor was working, they dug a hole near one of the protected trees on the Mueller property. A meeting with the Mueller's regarding this was done the same day and the hole was filled. JEO provided MUD (both water and gas) with the agreement between the City and the Mueller's on the trees/property</b>
Utility Relocations - Project Staking	JEO-Survey	Julie Ogden			On-Going	JEO will complete staking as needed for the project relating to utility relocations. NDOT will eventually take over this effort.

Task	Responsible Party	Assigned To	Estimated Start	Estimated Finish	Status	Task Comments (Note: Text in red indicates it has changed since the last status update)
Consultant Selection for Construction Engineer	NDOT	Nicole Jaber-Taylor	1/20/2020	3/1/2020	Complete	The NDOT District in Omaha will be providing the construction engineering services. No selection is needed by the City. It is anticipated that an agreement with HDR will be executed by NDOT to have time for them to answer questions and attend meetings as requested during construction. Julie will reach out to Nicole to make sure that HDR-Environmental has some time to assist the city if needed.
Consultant Selection for Construction Engineer	Mayor	Matt John	2/1/2020	2/10/2020	Suspended	This is no longer needed, see above.
Project Letting—Post Notices to Contractors	NDOT	Nicole Jaber-Taylor	12/23/2019	2/3/2020	Complete	Published on the NDOT website and in selected newspapers (was completed on February 3rd.
Project Letting—Issue Plans and Proposals	NDOT	Nicole Jaber-Taylor	12/24/2019	2/4/2020	Complete	<a href="https://www.bidx.com/ne/proposal?contid=2233X">https://www.bidx.com/ne/proposal?contid=2233X</a>
Project Letting—Bid Opening	NDOT	Nicole Jaber-Taylor	12/23/2019	2/27/2020	Complete	Bids were opened on February 27th and the single bid came in at \$7,607,576.08 which is about \$2.1 million over the original NDOT estimate. This equates to an increase in the local match of about \$420,000 (both school and city costs). Due to the existing condition of the street (repairs likely needed if project is delayed) and the likelihood that costs will not decrease significantly with a rebid, the mayor has indicated to NDOT that acceptance/award of the contract at the higher price is acceptable to the City.
Project Letting - Approve Agreement with Contractor	City Council	Mindi Laaker		3/9/2020	Complete	The resolution was approved, contracts are in progress by NDOT.
Project Financing	City Council	Mindi Laaker		5/15/2020	In Process	With the project being awarded by NDOT/City, JEO prepared an updated estimate of Costs for the City and for the School District. A memo with a recommendation on the Bond Amount has been provided to the Council and issuing bonds will be on the April Agenda for approval.
Project Reimbursement from School District	City Clerk	Mindi Laaker	3/1/2020	5/15/2020	In Process	Discussions should be held with the Bennington Public School Superintendent on how the reimbursement process will work on the project. A review of the interlocal agreement and determine if the city will request funds monthly, quarterly or annually from the School District, based on NDOT billings. JEO has discussed the process with Dr. Haack and the City will send the School District an invoice for about 90% of the project costs to be paid upfront (similar to the payment the City will make to NDOT). The costs will be monitored and a final invoice to the School will be prepared at the completion of the project.
Relocate Food Pantry Box	City Public Works Dept.	John Bohrer	4/1/2020	4/3/2020	Pending	The food pantry box (currently located by the library parking lot), will need to be temporarily relocated while work adjacent to the area is underway. John and Julie have identified an area on the northside of the library/city hall building by the driveway that could be used until access is restored to the library parking lot and construction adjacent to the lot is complete. John will then move it back to its permanent home. The box will need to be moved before the project starts on April 27th.
JEO Coordination with NDOT Inspectors	JEO-Transportation	Julie Ogden	4/1/2020	12/31/2020	On-Going	Tyler and Julie had a meeting with the NDOT inspection staff on project history and key items for the City (including commitments to the Mueller historic property). Pre-Construction Meeting has not been set yet and may be done remotely or via email.
Construction Progress	NDOT		4/1/2020	12/31/2020	Pending	

## Agenda Item #6

Ordinance No. 487  
Amending the Bennington Municipal  
Code regarding Abandoned and  
Trespassing Vehicles

## PROCEEDINGS AND PASSAGE OF ORDINANCE NO. 487:

The Mayor and City Council of the City of Bennington, Nebraska, met in regular session on March 9, 2020 and April 13, 2020, at 6:30 p.m., at the Bennington City Office, 15505 Warehouse Street, and acted on the following described ordinance:

### ORDINANCE NO. 487

AN ORDINANCE OF THE CITY OF BENNINGTON, NEBRASKA AMENDING SECTIONS 3-201, 3-203, 3-204, AND 3-205 OF ARTICLE II OF CHAPTER 3 OF THE CITY OF BENNINGTON MUNICIPAL CODE REGARDING ABANDONED AND TRESPASSING VEHICLES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENNINGTON, DOUGLAS COUNTY, NEBRASKA:

Section 1. Section 3-201 of Article II of Chapter 3 of the City of Bennington Municipal Code, is hereby amended as follows:

#### SECTION 3-201: TERMS DEFINED

No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Neb. Rev. Stat. § 60-1901, within the City. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

1. With no ~~number~~ license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
2. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. For more than 48 hours, after the parking of such vehicle shall have become illegal if left on a portion of any public property on which parking is legally permitted;
4. For more than seven days on private property if left initially without the permission of the owner, or after permission of the owner ~~shall be~~ is terminated.
5. For more than thirty days in the custody of the City law enforcement agency after the agency has sent a letter to the last-registered owner per Neb. Rev. Stat. § 60-1903.01.

6. If removed from private property by the City law enforcement agency as a trespassing vehicle pursuant to this article.

No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than seven continuous days. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

For purposes of this article, "public property" shall mean ~~(A)~~ any public right of way, street, highway, alley, park or other ~~e~~City, state or county -owned property, and ~~(B)~~ any "privately owned property" shall mean any privately owned property which is not included within the definition of public property.

Vehicles in an enclosed building, appropriate storage pound or depository licensed by the City or owned and being restored or repaired, with satisfactory progress being shown by the controller of the real property where said vehicle is located, ~~is~~ are specifically excluded from this section. This article shall not apply to the premises for which a permit to operate a junkyard has been obtained, nor shall it apply to the premises where a licensed motor vehicle dealer or a farm implement dealer conducts a business. It shall not apply to racing vehicles which are stored on licensed trailers.

"Trespassing vehicles" are any vehicle that is parked without permission on private property that is not typically made available for public parking. The City law enforcement agency is authorized to remove a trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is a trespassing vehicle. After removal, the agency shall follow the procedures in this article.

A private property owner is authorized to remove or cause the removal of an abandoned or trespassing vehicle from such property and may contact a private towing service for such removal. A private towing service that tows the vehicle shall notify, within 24 hours, the designated law enforcement agency in the jurisdiction from which the vehicle is removed and provide the registration plate number, the vehicle identification number, if available, the make, model, and color of the vehicle, and the name of the private towing service and the location, if applicable, where the private towing service is storing the vehicle. A vehicle towed away under this subsection is subject to Neb. Rev. Stat. §§ 52-604.01 to 52-605 and 60-2410 by the private towing service that towed the vehicle.

Section 2. Section 3-203 of Article II of Chapter 3 of the City of Bennington Municipal Code, is hereby amended as follows:

SECTION 3-203: NOTICE

Except for vehicles automatically becoming the property of the City as set forth in Section 3-205 hereunder, the city code enforcement officer shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:

1. Abandoned vehicles with ~~numbered~~ license plates affixed – to the jurisdiction which issued said license plates; or
2. Abandoned vehicles with no ~~numbered~~ license plates affixed – to the Department of Motor Vehicles.

The city code enforcement officer shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date that such notice was mailed. If the agency described in Subsections 1 or 2 of this section also notifies the city code enforcement officer that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein, or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

Section 3. Section 3-204 of Article II of Chapter 3 of the City of Bennington Municipal Code, is hereby amended as follows:

#### SECTION 3-204: DISPOSITION

The city code enforcement officer shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to an abandoned vehicle is vested in the eCity as provided for in Section 3-205 hereafter. Such sale and the time and place thereof shall be advertised for one week in a newspaper of general circulation in the City. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest for the benefit of the owner or lienholders of such abandoned vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the general fund of the City.

Section 4. Section 3-205 of Article II of Chapter 3 of the City of Bennington Municipal Code, is hereby amended as follows:

#### SECTION 3-205: TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no ~~numbered~~ license plates of the current year affixed or valid In Transit stickers issued pursuant to Neb. Rev. Stat. § 60-376 affixed and is of a wholesome value of \$250.00 or less, taking into consideration the vehicle's condition as determined by the city code enforcement officer, title shall immediately vest in the City and the city enforcement officer is not required to follow Section 3-203 herein. With respect to those abandoned vehicles governed by Section 3-203

herein, title to such vehicles, if unclaimed, shall vest in the City five days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the city code enforcement officer. Upon the sale of an abandoned vehicle at auction, the City shall furnish the purchaser with the requisite affidavit to provide to the county clerk where the vehicle was last registered that said vehicle was abandoned and became the property of the City prior to the sale.

Section 5. Current Sections 3-201, 3-203, 3-204, and 3-205 of the City of Bennington Municipal Code, as originally adopted via City of Bennington Ordinance No. 313, are hereby repealed.

Following the introduction on March 9, 2020, the Ordinance was read by title for the first time at which time Council member \_\_\_\_\_ moved that the Ordinance be approved on first reading. Council member \_\_\_\_\_ seconded the motion. Upon roll call vote the following Council members voted YEA: \_\_\_\_\_ The following voted NAY: \_\_\_\_\_.

Said Ordinance was then read by title a second time on April 13, 2020 and thereafter Council member \_\_\_\_\_ moved to approve the Ordinance on second reading and that the statutory rule requiring that an ordinance be read by title on three separate occasions be dispensed with, which motion was seconded by Council member \_\_\_\_\_. Upon roll call vote the following Council members voted YEA: \_\_\_\_\_. The following voted NAY: \_\_\_\_\_. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance. Council member \_\_\_\_\_ then moved for final passage of the Ordinance, which motion was seconded by Council member \_\_\_\_\_. The Mayor then stated the question was "Shall Ordinance No. 487 be passed and adopted?" Upon roll call vote, the following Council members voted YEA: \_\_\_\_\_.

The following voted NAY: \_\_\_\_\_.

The passage and adoption of said Ordinance having been concurred by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

PASSED AND APPROVED this 13<sup>th</sup> day of April, 2020.

---

MAYOR MATT JOHN

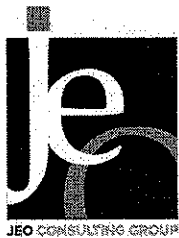
ATTEST:

---

CITY CLERK MINDI LAAKER

## Agenda Item #7

Bennington General Engineering



Engineering | Architecture | Surveying | Planning

Invoice

March 12, 2020

Project No: R090034.03

Invoice No: 115511

Invoice Amount: 6,045.00

Mindi Laaker  
City of Bennington  
PO Box 221  
15505 Warehouse Street  
Bennington, NE 68007

Project Manager Tyler Hevlin  
Project R090034.03 Bennington General Engineering  
**Professional Services through March 6, 2020**

- See Attached Billing Backup for a Breakdown of Time

	Contract Amount	Percent Complete	Billed-to-Date	Previous Billing	Current Billing
<b>Hourly Phase(s)</b>					
2020 General Engineering			\$14,030.00	\$7,985.00	\$6,045.00
<b>Total</b>			<b>\$14,030.00</b>	<b>\$7,985.00</b>	<b>\$6,045.00</b>
<b>Total this Project</b>					<b>\$6,045.00</b>

**Outstanding Invoices**

Number	Date	Balance
114956	2/12/2020	6,230.00
<b>Total</b>		<b>6,230.00</b>

Project R090034.05 Bennington 2019 Road Improvements

- See Attached Billing Backup for a Breakdown of Time

	Contract Amount	Percent Complete	Billed-to-Date	Previous Billing	Current Billing
<b>Hourly Phase(s)</b>					
Design			\$7,290.00	\$7,290.00	0.00
Bidding and Negotiation			\$3,626.25	\$3,626.25	0.00
Construction Services			\$2,916.25	\$2,916.25	0.00
<b>Total</b>			<b>\$13,832.50</b>	<b>\$13,832.50</b>	<b>0.00</b>
<b>Total this Project</b>					<b>0.00</b>

**Total Amount Due Upon Receipt \$6,045.00**

Email invoice to: Mindi Laaker, Clerk, clerk@benningtonne.com

**JEO CONSULTING GROUP INC**  
**JEO ARCHITECTURE INC**

p: 402.443.4661  
f: 402.443.3508

1937 North Chestnut Street  
Wahoo, NE 68066

jeo.com

# Billing Backup

Thursday, March 12, 2020

JEO Consulting Group, Inc.

Invoice <Draft> Dated 3/12/2020

10:20:07 AM

Project	R090034.03	Bennington General Engineering		
Phase	2020	2020 General Engineering		
Task	001	General Engineering, Meetings, Etc.		
			Total this Task	\$2,000.00
Task	005	Planning and Zoning Assistance		
			Total this Task	\$180.00
Task	012	Prairie Hollow Development		
			Total this Task	\$115.00
Task	017	Kempton Creek		
			Total this Task	\$3,030.00
Task	018	Neumeyer Recreational Complex Development		
			Total this Task	\$720.00
			Total this Phase	\$6,045.00
			Total this Project	\$6,045.00
			Total this Report	\$6,045.00

## Agenda Item #8

### Library Report

**Bennington Public Library**  
**April 6, 2020**  
**Library Director Report**

*The mission of the Bennington Public Library is to inspire lifelong learning, advance knowledge, and strengthen community. To deliver on this promise we rely on three great resources, our staff, our collection, and our physical space.*

**Programs/Services**

- See February and March Monthly Circulation Reports for programming attendance, etc.
- Omaha Children's Museum is closed, therefore the passes remaining will likely go unused. The expiration on the passes is May 22, 2020.
- All library programs have been cancelled until the pandemic restrictions have been lifted. This includes Storytime, Lego Club, Preschool and Elementary STEAM, Reading Buddies, Book Clubs, and Make It Take It Saturdays: BYOP aka Social Knitworking.
- The Bruce Arant event on April 22th has been cancelled. Joanne hopes to reschedule it in the summer. She is also working on scheduling community partners for summer reading in July.

**What we can do while we are closed:**

- Assist patrons by answering questions and guiding them through online resources such as Overdrive and RBDigital. Calls and emails are returned/received Monday through Thursday, 10:00 AM – 2:00 PM. (The staff has agreed to work a minimal amount of hours until the pandemic restrictions are lifted.)
- Lend physical items when patrons place holds. The holds will be fulfilled by asking patrons to give a specific time they will be picking up their items. The items are then placed in a bag and left outside the front door for pick up. (\*Based on information resources provided by the American Library Association we are placing all returned or new materials that enter the library in the conference rooms for a 72-hour quarantine period before shelving or processing them.)
- Joanne has conducted three Facebook Live storytimes, two at the Library and one at her home. She will continue to conduct them from her home every Thursday at 10:30 AM until we reopen. (Joanne has decided, for the health of and concern for her family, she will be working from home for now.)
- Joanne and I are working on a Story Walk for the trail along Bennington Road/Johns Bohn Park. Bruce Arant has agreed to let us use his book, *Simpson's Sheep Won't Go to Sleep*. Nic Chesnut has offered to donate the printing of the signs and John Bohrer (City Public Works) is on board to help us with the placement along the trail.
- The staff and I have already completed an inventory and we are now in the process of examining the areas of the collection that need weeding.
- The Pioneer Consortium will be experiencing a major upgrade to BiblioNation circulation/collection software and they have asked member libraries to cleanup old records and expired patrons. This is another task that will fill our time during the closure.
- Other projects that have been on the back burner for a while will also be worked on.

### **Personnel**

- As mentioned above, the staff has agreed to work a minimal amount of hours until the pandemic restrictions are lifted. Monday through Thursday, 10:00 AM – 2:00 PM will be the typical hours worked.
- I am happy to report that the Library Specialist position has been filled. Heidi Curzon's first day was Wednesday, April 1. Until our reopening, she will work approximately 8 hours a week—Monday and Wednesdays, 10 AM – 2 PM.
- I did not take my vacation to California on March 19, but I am using up vacations time by working fewer hours during the library closure.

\*Handling materials during Covid-19 pandemic

### **QUARANTINE**

The Northeast Document Conservation Center (NEDCC) recommends a 72-hour quarantine of collection items as the safest and most effective way to disinfect them after handling by staff and patrons.

For specific material types, a quarantine period of less than 72 hours may be appropriate. A study published as a Correspondence in the New England Journal of Medicine on March 17, 2020 (<https://www.nejm.org/doi/pdf/10.1056/>) shows that COVID-19 will persist on cardboard surfaces for 24 hours and on plastic surfaces for up to 72 hours. Based on this research, an appropriate quarantine time for paper or plain cardboard products would be a minimum of 24 hours, while an appropriate quarantine time for books covered in polyester (e.g. Mylar) or other plastics, as well as plastic-based materials such as CD's and DVD's, is 72 hours. A 72-hour quarantine is appropriate for any other type of collection item or any item about which a curator is uncertain.

### **STAFF SAFETY**

Staff should be directed to wear gloves when moving items into quarantine and to remove the gloves immediately afterwards so as not to accidentally touch anything else (like door handles). After removing the gloves, staff should wash their hands for 20 seconds, following CDC guidelines.

**Bennington Public Library**  
**February 2020 Statistics**

	Feb-20	Feb-19
Circulation	4869	3943
Overdrive-audio/eBooks	688	733
OneClickDigital-audio books	18	34
RBdigital-eMagazines	51	31
Book Club	29	32
<b>Total Circulation</b>	<b>5655</b>	<b>4773</b>
<b>Computer Use</b>	<b>128</b>	<b>141</b>
<b>Study Room Use</b>	<b>32</b>	
<b>Cards issued</b>		
City	3	4
Douglas County	43	49
Omaha	3	1
Washington County		
<b>Total cards</b>	<b>49</b>	<b>54</b>
Preschool STEAM (4)	111	106
Koala-T Storytime (4)	92	98
Storytime (4)	97	83
Reading Buddies (2)	4	6
Legos-1st/3rd Wed (2)	48	28
Legos-1st/3rd Sat	10	16
Fort Night	16	5
<b>Total Children's (20)</b>	<b>378</b>	<b>342</b>
<b>YA-Book Café</b>	<b>23</b>	
Book Club-1st Wed	9	10
Book Club-3rd Tues	10	12
Book Club-RW	5	6
Other-Socialknitworking (2)	16	30
<b>Total Adult (5)</b>	<b>40</b>	<b>58</b>
Library Visits	2399	
Volunteer Hours (13)	32	36
Copier/Printer 1/17-2/17	1615	1827

C-Code	Description	Count
ACDB	Adult Books on CD	38
ADVD	Adult DVDs	169
AFIC	Adult Fiction	548
AM	Adult Magazines	22
ANF	Adult Nonfiction	159
CAKE	Cake Pans	7
ILL	Interlibrary Loan	12
JBB	Childrens Boardbooks	134
JC	Childrens Chapter Books	772
JCDB	Childrens Books on CD	22
JDVD	Childrens DVDs	260
JE	Childrens Easy Readers	418
JGN	Juvenile Graphic Novels	199
JM	Childrens Magazines	27
JNF	Childrens Nonfiction	519
JP	Childrens Picture Books	1168
JPLAY	Childrens Playaways	89
SPC	Special Collection	17
YAFIC	Young Adult Fiction	258
YAGN	Young Adult Graphic Novels	30
YANF	Young Adult Nonfiction	1
<b>Total</b>		<b>4869</b>

**Bennington Public Library**  
**March 2020 Statistics**

	Mar-20	Mar-19
Circulation	3617	4853
Overdrive-audio/eBooks	951	823
OneClickDigital-audio books	16	26
RBdigital-eMagazines	53	48
Book Club	30	29
<b>Total Circulation</b>	<b>4667</b>	<b>5779</b>
<b>Computer Use</b>	<b>55</b>	<b>134</b>
<b>Study Room Use</b>	<b>11</b>	
Cards issued		
City		15
Douglas County	29	67
Omaha	2	
Washington County		
<b>Total cards</b>	<b>31</b>	<b>82</b>
Preschool STEAM (2)	43	140
Koala-T Storytime (2)	46	109
Traditional Storytime (2)	60	24
Reading Buddies (1)	4	9
Legos-1st/3rd Wed (1)		77
Legos-1st/3rd Sat (2)		10
Elem STEAM 2nd/4th Wed (1)	8	31
<b>Total Children's (20)</b>	<b>161</b>	<b>400</b>
YA-Reading Cafe (0)	n/a	
Book Club-1st Wed	6	11
Book Club-3rd Tues	n/a	12
Book Club-RW	n/a	6
Socialknitworking (1)	0	44
<b>Total Adult (2)</b>	<b>6</b>	<b>73</b>
Library Visits	1452	2472
Volunteer Hours (9)	15	23
Copier/Printer (2/17-3/17)	891	1413

C-Code	Description	Count
ACDB	Adult Books on CD	23
ADVD	Adult DVDs	114
AFIC	Adult Fiction	453
AM	Adult Magazines	20
ANF	Adult Nonfiction	89
CAKE	Cake Pans	8
ILL	Interlibrary Loan	9
JBB	Childrens Boardbooks	91
JC	Childrens Chapter Books	668
JCDB	Childrens Books on CD	15
JDVD	Childrens DVDs	182
JE	Childrens Easy Readers	324
JGN	Juvenile Graphic Novels	242
JM	Childrens Magazines	23
JNF	Childrens Nonfiction	304
JP	Childrens Picture Books	759
JPLAY	Childrens Playaways	57
SPC	Special Collection	16
YACDB	Young Adult Books on CD	1
YAFIC	Young Adult Fiction	206
YAGN	Young Adult Graphic Novels	12
YANF	Young Adult Nonfiction	1
<b>Total</b>		<b>3617</b>

## Agenda Item #9

### Police Report

# BENNINGTON POLICE DEPARTMENT



11402 North 156<sup>TH</sup> Street, P.O. Box 228, Bennington Nebraska 68007

402-238-2067, fax 402-238-2774, [police@benningtonne.com](mailto:police@benningtonne.com)

**March 5, 2020-April 8, 2020**

**Monthly Report**

**Drew Hilscher, Chief of Police**

**Citations By Officer Report****Run Date/Time 04/08/2020 - 10:57****From 04/08/2020 To 03/05/2020****Agency (BPD) - Bennington Police Department**

Officer	Badge No	Citation Violation	Warning Violation	Male	Female	Unk	White	Black	Indian	Asian	Unk	Hisp	NonHisp	Unk
Herbolsheimer, Travis	B63	7	0	3	4	0	7	0	0	0	0	0	7	0
Hilscher, Andrew	B61	7	0	6	1	0	7	0	0	0	0	0	7	0
Stocker, Daniel	B62	2	0	2	0	0	2	0	0	0	0	0	2	0
		<b>Total: 16</b>		<b>Total: 16</b>			<b>Total: 16</b>					<b>Total: 16</b>		

**Calls Statistics By Type**

**Run Date/Time 04/08/2020 - 10:53**  
**From 03/05/2020 To 04/08/2020**

Call Type	Description	# of Calls
ESCO	Escort	2
SPAS	Special Assignment	12
OPDO	Open Door/Gate	2
PURE	Public Relations	8
PATROL	Patrol Car Maintenance	5
SUPV	Suspicious Person/Vehicle	5
SELECT	Selective Enforcement	3
FOUI	Follow Up Investigation	25
SUIC	Suicide	1
ADMI	Supervisory Activity	14
PARK	Parking Violation	2
ABVE	Abandoned Vehicle	1
KEYS	Keys Locked In Vehicle	1
DRVI	Drug Violation	2
CIVL	Civil Matter	2
ASCI	Citizen Assist	10
CHILD	Child Abuse/Neglect	1
ASSTDCSO	Assist Dcso	10
DEME	Message Delivery	1
COVI	Ordinance Violation	5
BURG	Burglary	1
THOA	Theft Of Motor Vehicle	2
MISC	Miscellaneous	7
ASSTBPD	Assist Bennington Pd	1
THMV	Theft From Motor Vehicle	2
LOFO	Property Lost/Found	2
ASOA	Assist Outside Agency	2
FORG	Forgery	1
WECH	Welfare Check	4
CRMI	Criminal Mischief	2
PROV	Protection Order Violation	1
WAAR	Warrant Arrest	1
MIPE	Missing Person	1
DIST	Disturbance (Non Dv)	2
ANCO	Animal Complaint	2

**Calls Statistics By Type****Run Date/Time 04/08/2020 - 10:53****From 03/05/2020 To 04/08/2020**

TRAI	Training	1
FRAU	Fraud	1
ASMO	Assist Motorist	1
TRST	Traffic Stop	1
RECK	Reckless Driving	2
DODI	Domestic Disturbance	1
BWOP	Burning Without A Permit	1
OVERDOSE	Alcohol/Drug Overdose	1
THEF	Theft	1

<b>Total</b>
153

# **OTHER**

- Started the purchase of the Server, Firewall, and 2 desktop towers. We received the towers and just waiting on the Server and Firewall.
- The new cruiser camera's have been installed along with the body cameras
- We received 120 PPE masks. I was able to obtain some hand sanitizer and disinfectant.
- Due to the COVID-19, I have told the officers to ONLY make traffic stops if it is a serious offense. We are still responding to calls at this time.

## Agenda Item #10

### Public Works Report

## **PUBLIC WORKS DEPARTMENT REPORT MARCH, 2020**

### **STATE OF THE PUBLIC WORKS DEPARTMENT**

- Snow on March 14: 4-5" fluffy snow. We pushed snow and laid down a salt/sand mix at the usual places around town.
- Removed accumulated snow piles from various circles, bump-outs and staging areas in the City and on downtown Main Street.
- Met and worked with the Posse regarding 2020 projects around town, deciding what to plant and where, plus what the upcoming virus may force us to do or not do.
- Re-arranged all the garage space to accommodate additional pallets of asphalt patch
- Sewer backup at 124 S Molley. Called Peoples and Trekk. Traced the flow and ended up having to uncover the clogged manhole from under a mountain of dirt to flush the system. The dirt was piled and left there by MUD from their 156<sup>th</sup> Street work.
- A sewer break at 114 S Stark. Called Peoples and Anderson to repair the break which was located at the "Y" as it connected to our main sewer line in the alley. The Homeowner was responsible for the repair.
- Changed oil in the zero turn mowers and installed mulching blades. Repaired a chainsaw that was running hard.
- Vandals apparently had extra porcelain decorator plates to get rid of and broke them across the pedestrian bridge leaving shards of glass everywhere on the surface.
- Met with neighbor behind the shop, Trent who was asking permission to access his property from the City side to cut down a tree. I talked him through the process and then helped dispose of the trunk and a few limbs for him.
- Nate and Jake were deputized by Drew as Bennington Junior Dog Catchers, were turned loose and captured 2 wayward dogs running free in Bennington Park.
- Met with a Ridgewood resident a second time who were looking for a solution for water gushing downhill into their yard from the west. After conversing with Tyler, the answer lies squarely on the builder's shoulder to develop better drainage and perhaps a retaining wall behind the resident's fence. Not the City's responsibility.
- Met with Tim Clark to determine if Benn Daze was going to happen and what the City could do to help out (as we do every year). The preliminary plan involved issues like manpower, 156<sup>th</sup> Street construction and CoVid 19. Tim said the Foundation would make a final decision in April.

- Met with Daryl Logemann, Julie Ogden and Herb Johansson regarding a bridge across the ditch from the new parking lot at BAL. Determined a culvert was the most efficient solution and I had it installed in two days, complete with rock for ease of walking and to start a base for concreting over in the future.
- Was called to help dispatch and dispose of a diseased raccoon roaming Bennington Park.
- Moved and placed an extra picnic table to the Cop Shop at the request of Drew to allow outdoor dining.

## **STATE OF THE CITY PARKS**

- I completed 5 tree grants, each for \$2500 and we were awarded with 5. That equates to approx 65 new trees. That's about 300 trees that we've planted with grant money since I've started doing this. 40-50 years from now, it ought to look pretty nice.
- Moved picnic tables away an apart from each other in response to CoVid 19
- I ordered, picked up 1 ½ pallets of pre-emergent with fertilizer and spread it across town at all of our Parks, green spaces and along 156<sup>th</sup> Street and Bennington Road. I successfully negotiated an additional \$5 per bag off, saving \$330 overall.
- We routinely maintain the trash barrels at all the parks including re-setting them upright from wind and vandals. Seems to be quite a thrill for some people to set a trash can upside down with the trash inside so when you lift it off, all the trash gets set free.
- We used up all of our excess asphalt grindings on the parking lots located at the soccer field, tennis court, Doug Nelson and Vermont street, then had Daryl Logemann run across the areas with his 12' box scraper to smooth and repair them.
- Installed the tennis court nets also the Volleyball nets and groomed the courts
- Cleaned out the creek bed at Tim Ohrt, removing dead trees, limbs, branches as well as litter from the south end near the spillway. This needs to be done routinely to keep the water from backing up and spilling over.
- Met with a Nebraska Viburnum nursery to order additional Viburnum varieties to be planted in our parks and green spaces.

- Hooks were worn and broken on the American and State Flags located at the Memorial Park. We purchased and replaced the hooks. Old Glory is flying high again.

## STATE OF THE STREETS

- Had a small skirmish with an MUD subcontractor, Backlund Plumbing regarding the trees located at Gordon Mueller's B & B. The trees are protected and there is a plan and contract in place to maintain their integrity...unfortunately, the Backlund Foreman wasn't aware of that and arbitrarily started to dig in between two of Gordon's protected Sycamore trees. He dug 10'-12' down and within 3' for one tree, severing multiple anchor roots and destroying dozens of feeder roots. The tree is forever compromised. I demanded he stop digging and asked for MUD superiors to come onsite where the issue was worked out, MUD is taking responsibility and another location was identified to complete the access location to complete the water line hookup for Anytime Fitness, across the street.
- Broken water main at 312 N Molley. MUD was called and repaired the break before it got worse.
- The PWD received a "shout out" from Scott Yonkie for street and pothole patching.
- Thanks to Daryl Logemann for grooming Vermont Street as well as all of the City's gravel/cinder parking lots.
- Replaced the Street signs "Warehouse" and 156<sup>th</sup> Street at the corner where the roofing company office is being erected.
- The storm drain located at 156<sup>th</sup> and S 2<sup>nd</sup> Street was undermined and collapsed when MUD drove on it. Had them remove the concrete and pack rock and dirt there. That will be completely replaced with the 156<sup>th</sup> Street construction later in April and May.
- Continuing to patch and repair the streets on a priority basis, where the worst is first.
- Continuing to monitor the 156<sup>th</sup> Street construction and offering suggestions and ideas from the City perspective. Working toward smooth transitions and a fast turnaround time.

## **STATE OF THE BALL AND SOCCER FIELDS**

- Completed the installation of our pedestrian traffic culvert leading from Logemann Parking Lot into the BAL. Limestone rock was placed on the top walking surface and grass seed was spread in the bare spots around the openings.
- Met with Legion members to discuss moving the yard hydrant so they can increase the concrete area to place new bleachers on the home field side.
- Coordinated with Bryce Miller (Soccer Club) on pre-emergent and fertilizer needs plus mowing schedule for the Soccer Fields this year.
- Coordinated with Brad (BAL) and Doug (Legion) on water turn on dates for the Concession Stands...April 16 is the date.

## **STATE OF OUR CITY BUILDINGS**

- Vacuumed all the ceiling vents and air diffusers at the City Office and Library
- Needed to re-light the pilot light on the hot water heater at the Library after MUD had shut off the gas to the building.
- Moved multiple boxes to storage for Lisa
- Picked up Christmas tree and decorations for the Library at a private residence at Bennington Lake. Moved them to storage.
- Worked on the SE Library main entrance door screws dropping out and missing.... again.

## **THOUGHTS, IDEAS, SECOND GUESSES**

- We always welcome constructive criticism and are happy to respond rapidly. Please let me know if you see ways to improve our service to every citizen of Bennington. We always strive for the "WOW FACTOR"

## Agenda Item #11

### Office Report

**2019/20 MINDI REPORT**

ALL REVENUES BUDGETED -----\$3,842,230  
 ALL EXPENSES BUDGETED -----\$3,917,594  
 BUDGETED DIFFERENCE -----\$(75,364)

**IMPACTS TO THE BUDGET -- 6 Month Review 3/31/2020****EXPENSE IMPACTS TO BUDGET**

	YTD Spend	Budgeted	Difference
• STREETS: STREET REPAIR & MAINTENANCE (6110)	\$ 235,759	\$ 225,000	\$ (10,759.43)
• STREETS: LOGEMANN PARK (6266)	\$ 98,240	\$ 95,000	\$ (3,240.00)
• STREETS: ENGINEERING (6093; 6095; 6097; 6090)	\$ 94,660	\$ 65,000	\$ (29,660.00)
• SEWER: ENGINEERING (6090)	\$ 75,000	\$ 5,000	\$ (70,000.00)
• STREET: LEGAL 156TH STREET IMPROVEMENT (6140)	\$ 9,623	\$ -	\$ (9,623.00)
			\$ (123,282.43)

**REVENUE IMPACTS TO BUDGET**

	YTD Deposits	Budgeted	Difference
• SEWER: SEWER CONNECT PERMIT FEES (5206)	\$ 35,427	\$ 35,000	REVENUE IS PACING HIGH
• LOCAL SALES TAX (5010)	386,610.18	\$550,000	REVENUE IS PACING HIGH

**NET EFFECT****#VALUE!**

## Agenda Item #12

### Bennington Project Tracker

# City of Bennington Project Tracker



Apr-20

Note: Text in red indicates it has changed since the last status update.

Project	JEO Project No.	JEO Department Leading Project	Assigned To	Contract Executed	Status	Update Comments From Previous Month
156th Street Improvements - general assistance	050728	Transportation	Tyler Hevlin	General Engineering	On-Going	A separate Project Tracker has been developed for this project, please refer to that for detailed project information. <b>Tentative Start date is April 27th.</b>
ASIP	090034	Administration	Tyler Hevlin	General Engineering	On-Going	The Ordinance was approved and went into effect on April 1, 2020. The following items will need to be completed/determined: 1. City Clerk/Treasurer needs to set up a separate bank account to keep any ASIP funds in. (done with first deposit) 2. City Engineer will annually report to the Council on the funds in the account and the status of the ASIP fund project or ones that should be added. (this will be done at the same time as the 1 & 6 year plan review/approval). 3. Determine the members of the stakeholders group. Will need to meet a couple times maybe the first year to identify projects. Meetings can be annually after the first project list is created to review/update it.
Bruning - Replat 12 Lot 1 Building Permit	090034	Administration	Jeff Ray	General Engineering	On-Going	The Design Review Board met on January 26th and is allowing the alternate landscaping plan (using coniferous style bushes) to replace the berm originally approved by the DRB. Installation will occur as weather allows. An occupancy permit can be granted if the developer/owner provides a bond equal to the cost of the improvements(off season landscaping provisions).
Building Permits	090034	Administration	Tyler Hevlin	General Engineering	On-Going	<ul style="list-style-type: none"> <li>JEO will be responding to the City of Omaha on a possible building north of Highway 36.</li> <li>Two Men and a Shop have provided a concept plan for an addition to their building, JEO assisted the city in review by the DRB.</li> <li>The property owner (Dimitroff) of 12804 N. 182nd St. has started work on this accessory building again. The City Attorney has contacted Douglas County regarding the Stop Work Order already in place on this property. The property owner submitted the building permit and required documents. They are in review.</li> </ul>
Gary Olson (Above and Beyond Roofing) Sanitary Sewer Easement & Parking Construction	090034	Administration	Tyler Hevlin	General Engineering	On-Going	Gary Olson has requested assistance on an easement from the City to replace an old service line. The easement will be along the southerly 5 feet of Lot 9 (telephone building lot). JEO has responded to Gary with options to execute this, at his cost. <b>In discussion with Gary, the on-street parking will be installed in the next month. I asked that he notify the City Clerk or City Engineer prior to starting so review can be completed of work within the ROW.</b>
Kempton Creek (aka Neumeyer Parcel)	090034	Administration	Julie Ogden	General Engineering	On-Going	The final plat documents have been approved. Since that approval, the following items have been addressed/updated: <ul style="list-style-type: none"> <li>Discussion and determination of the location/layout for the Bennington Road Intersection with Kempton Creek Drive. The location is on the property line and the round-a-bout has been eliminated and replaced with a T intersection.</li> <li>City will be required to adjust the parking lot driveway on Bennington Road to match up with the SID road.</li> <li>The 156th Street widening for the turn lanes at that connection point will be evenly split between both sides of the street.</li> </ul>
Newport Hill	090034	Administration	Julie Ogden	General Engineering	On-Going	JEO reviewed and responded to the SID's request to remove splitter islands within the subdivision. As of December 2019 this did not appear to have been completed yet.

Project	JEO Project No.	JEO Department Leading Project	Assigned To	Contract Executed	Status	Update Comments From Previous Month
Newport Vista subdivision	090034	Administration	Tyler Hevlin	General Engineering	On-Going	Construction will continue on this project with the storm sewer and paving. JEO is performing occasional site visits to check on progress. The work currently going on at the site includes: <b>Grading of the site is approximately 95% completed with just some minor work left, that will likely be completed with the paving. Sanitary Sewer is complete and being tested per specifications. The Contractor is currently working on passing all of the required soil compaction tests. Storm Sewer is underway and is approximately 80% complete. It is anticipated that Paving operations will begin in April or May.</b> An interlocal agreement was provided to the city for review related to the signal on 168th at the subdivision entrance/school access. The city is not party to this agreement nor a participant for funding purposes. <b>Final plans for the 168th Street have not yet be completed or submitted for review.</b>
Prairie Hollow subdivision	090034	Planning	Tyler Hevlin	General Engineering	On-Going	The final plat documents have been approved. JEO has performed occasional site visits to check on progress. <b>The aerial creek crossing (for sanitary) has been completed and the old crossing pipe has been removed. Landscaping items were installed on the northwest corner of the 2nd and Allen Street Intersection without an approved plan. JEO has reminded the developer that this issue must be addressed ASAP. We will continue to coordinate with the Mayor on any questions related to this plan.</b>
Ridgewood Lots 1 & 2	090034	Administration	Julie Ogden	General Engineering	On-Going	The owner of Lots 1 & 2 in Ridgewood contacted the City and JEO to determine how to convert these lots to buildable lots. These two lots have a temporary silt basin constructed on them that was intended to remain only until the development was nearly developed, which it is. The Erosion Control (SWPPP ) permit is in the process of being closed by NDEE once the HOA signs the final form. The property owner of the two lots installed the plug and the city completed removal of the plug in the storm sewer to allow flow in the storm sewer.
City Park Development on Neumeyer Property	090034	Administration	Julie Ogden	General Engineering	Pending Project	DLR Agreement was approved at the February Meeting. Next step is to create a stakeholders group and start the process of determining what features should be included and fundraising needs. JEO will coordinate/lead the stakeholders group and assist DLR in getting the information they need to complete their work. <b>Progress is being made toward purchase of the property.</b>
Bennington High School Parking Lot and Building Add.	090034	Administration	Tyler Hevlin	General Engineering	Under Construction	The School District is progressing with a new parking lot for the high school and a building addition to the high school. The interlocal agreement between the School District and the City has been approved by both parties. Additionally, JEO has been coordinating the ROW dedications from the School District to the City. J. Miller is preparing the necessary legal documents to accompany the surveys. Construction has started within the parking lot at the school. The contractor is using soil from the adjacent Newport Vista site. Work on 168th street at the High School is complete. Engineer for the school was notified in late December about some erosion control concerns with the site.
Pedestrian Access from Logemann Park Lot to the Ballfields	090034	Administration	Julie Ogden	General Engineering	Under Construction	<b>The city has installed the ditch crossing (CMP, soil fill and rock surfacing) and JEO has reviewed it. John and Julie will discuss how best to direct users on parking in this lot. (power poles like other lots or posts)</b>
Street CIP	090034	Administration	Tyler Hevlin	General Engineering	Provided to the City	Provided the city an overall street CIP plan for all street issues (known at the time in May 2016); included 1&6 Year Road Program projects (from 2016); 2 of the projects were completed in fall 2016; 2017 1&6 Year Road Program has been completed and approved at the February City Council Meeting. With recent passage of LB82, the 1 & 6 year plan will now be adopted at the same meeting as the city budget. The 1 & 6 year plan will be prepared and presented it to council at the September Meeting annually. <b>An updated CIP should be considered for updates in 2020 since 156th Street will be under construction and to include any ASIP projects.</b>
2019 Road Improvements	090034	WIG	Julie Ogden	General Engineering	Warranty Period	Asphalt Overlay work is complete and warranty expires in <a href="#">December 2020</a> . The microsurfacing work is completed. Warranty expires in <a href="#">November 2020</a> .

Project	JEO Project No.	JEO Department Leading Project	Assigned To	Contract Executed	Status	Update Comments From Previous Month
Bennington Road Sidewalk	090034	WIG	Julie Ogden	General Engineering	Warranty Period	The project is complete and the seeding is coming in nicely. This project will be monitored for any warranty items through <a href="#">July 2020</a> .
Logemann Park Improvements	172105	WIG	Julie Ogden	General Engineering	Warranty Period	Construction is completed Warranty expires in <a href="#">November 2020</a> . We will work with John B to monitor the seed growth and any ponding around the lot in the spring. These items would be addressed under the 1 year warranty which extends to November 2020. The BAL completed some grading/clean up work on the ditch between the lot and the ballfields. That area should be seeded in the spring (if it hasn't been already) and should make installing a crossing (pedestrian) a lot easier.
McGregor Brae subdivision	090034	Administration	Tyler Hevlin	General Engineering	Warranty Period	This subdivision is complete and will be monitored for warranty items. Warranty expires in <a href="#">June 2020</a> .
Newport Landing Manhole Raise	090037	Administration	Julie Ogden	General Engineering	Complete	The SID desired to raise several manholes. The construction work on this project was completed by the SID in July 2019. We have received the project documents for the city files.
Omaha Wastewater Agreement	090034	WIG	Tyler Hevlin	General Engineering	Complete	JEO has been verifying the existing and projected wastewater flows as it pertains to the agreement with Omaha. An amendment to the agreement is being drafted and Omaha was requesting we investigate the total flow to see if an adjustment is necessary, it does not appear it is.
Ridgewood TIF issues	090034	Administration	Tyler Hevlin	General Engineering	Complete	Provided City Attorney with info as requested.
Alley Improvements - Between Stark and Alley Streets, south of Bennington Road	090034	Administration	Tyler Hevlin	General Engineering	On Hold - Per City	JEO has developed a petition and an exhibit for the City to disperse to the parcel owners along the Stark-Allen Alley. The exhibit included approximate construction costs that would be assessed to the various lots. The petition and exhibit has been provided to the City for their use. JEO was asked to review the short-term solutions of the rehabilitation of the alleys. A summary email was provided to Mayor John.
Aquatic Facility	090034	WIG	Tyler Hevlin	Yes	On Hold - Per City	A study was completed and presented to council. Until funding is available, the project is on hold.
CW Haden parking issue	090034	Transportation	Evan Wickersham	General Engineering	On Hold - Per City	JEO has prepared three (3) conceptual layouts and presented to the Mayor John. On hold until further notice.
Vermont Street Improvements	0900034	Administration	Tyler Hevlin	General Engineering	On Hold - Per City	Mayor John has inquired what possibilities exist for improvements to Vermont Street. JEO informed Mayor John of history related to improvements completed 8-10 years ago, and attempts to create a street improvement district. JEO has advised that installing millings is not desirable as the City will struggle maintaining them in the future with their equipment. Discussion is still open, but looking for opportunities to grade and add aggregate to street as a part of another future project.
Old Elementary School Site in Heritage	090034	Administration	Julie Ogden	General Engineering	On Hold - Waiting on Applicant	A meeting was held with a potential developer for this lot.