

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

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

When prompted, enter the following Conference ID number:
701 310 062 #

City of Bennington
City Council Meeting Agenda
Monday, May 11, 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. 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. April 13, 2020 City Council Meeting Minutes
 - B. April 2020 Bills Paid
 - C. Keno Receipts: April 8.75%: \$648.52
 - D. Arbor Day Proclamation – May 13, 2020
3. Prairie Hollow Reimbursement Request totaling \$22,429.51 for Cost Sharing Oversized Sanitary Sewer and Relocation of Aerial Crossing
 - A. Motion to Approve
4. Sat., June 6, Street Closure for Chamber of Commerce Community Car Show from 8 a.m.-2 p.m.
 - A. Motion to Approve

5. Consideration of a Conditional Use Permit Application for a Firearms Service On Line Retailer Business as a Home Occupation in a R-1 Lake Side Residential District located at 12149 N. 177th Circle
 - A. Presentation – Trevor Devney
 - B. Public Hearing
 - C. Motion

6. Ordinance No. 486 Amending Section 4.11 to the Bennington Zoning Regulations regarding Permitted Obstructions in Required Yards and Subterranean Egress Window Access Structures in Side Yards and Adding Definitions for Fire Escape and Egress Window Well
 - A. Presentation
 - B. Public Hearing
 - C. Motion to Introduce and Approve the First Reading

7. Bennington 156th Street Project
 - A. Bennington and Omaha 156th Street Traffic Signal Maintenance Agreement and Fees totaling \$700/Annually
 - i. Motion to Approve
 - B. Nebraska Department of Transportation Invoice No. 0643040 and Support Detail for \$1,794,119.39 – Monthly Invoicing Discussion
 - i. Motion to Approve
 - C. Motion to Approve Invoice No. 116026 to JEO Consulting Group for \$6,828.75
 - D. Project Tracker for 156th Street

8. Ordinance No. 487 Amending the Bennington Municipal Code regarding Abandoned and Trespassing Vehicles
 - A. Motion to Introduce and Approve the First Reading

9. Ordinance No. 490 Adopting Regulations for Application and the Deployment of Small Wireless Facilities by Telecommunications Companies
 - A. Staff Report
 - B. Motion to Introduce and Approve First Reading

10. Acquisition of Real Estate for Recreational Uses via Purchase and Donation being located southwest of North 156th Street and Bennington Road in the NE ¼ of S15, T16N, R11 East of the 6th P.M., Douglas County, NE.
 - A. Update and Discussion
 - B. DLR Contract and Resolution 2002-??
 - i. Motion

11. Pedestrian Safety Discussion on North Molley and Stark Streets

12. Tuition Reimbursement Language for Personnel Manual Discussion

13. Bennington General Engineering
 - A. Motion to Approve Invoice No. 116027 to JEO Consulting Group for \$5,335.00

14. Library Report

15. Police Report

16. Public Works Report

17. Office Report

A. Tax Increment Financing Annual Report

18. Project Tracker

19. Public Comments – This is the proper time for public comments on any topic or matter which is not on the agenda.

20. 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

Planning Commission

4-29-2020 Minutes

City of Bennington
Planning Commission
Teleconference Meeting Minutes
Wednesday, April 29, 2020; 6:00 P.M.
City Office, 15505 Warehouse St.
Bennington, NE
402-238-2375

Call to Order – Open Meeting Act – Roll Call

Chairman Kevin Kuker called the meeting to order at 6:00 p.m. The following members were present: James Bartels, Mike Goetz, Ron Johnson, Kevin Kuker, Tom Pearson and Bob Zaruba. Neil Stier was absent. City Clerk Mindi Laaker stated for the record that a copy of the Open Meetings Act was posted on the website.

Approval of February 26, 2020 Meeting Minutes

Motion by Zaruba, second by Johnson to approve the minutes as presented. All voted in favor and the motion carried.

Consideration of a Conditional Use Permit Application for a Firearms Service On Line Retailer Business as a Home Occupation in a R-1 Lake Side Residential District located at 12149 N. 177th Circle

City Attorney Jeff Miller explained that general sales would ship from supplier to consumer. Firearms will be sent to 12149 N. 177th Circle with little traffic. Applicant Trevor Devney indicated that the business is a hobby, there will be no advertising or inventory and there is a 48-hour maximum hold for firearms. The application in Bennington's jurisdiction is necessary for state and federal regulations.

Kuker opened a public hearing and a concern was raised regarding multiple firearms being sold and delivered on site to a single individual.

Motion by Zaruba, second by Pearson to recommend City Council approval of the Conditional Use Permit. All voted in favor and the motion carried.

Consideration of a Text Amendment to Section 4.11 regarding the Permitted Obstructions in required Side Yards providing guidelines on Subterranean Egress Window Access

JEO Consulting Representatives Jeff Ray and Julie Ogden presented more detailed regulations for permitted obstructions in required yards. The regulations were based on the following:

“egress window wells may project a maximum of three and one-half (3.5) feet into required yards and shall not be closer to the property line than one and one-half (1.5) feet, provided they do not project more than 6 inches above grade.”

Kuker opened a public hearing and there were no comments.

Motion by Goetz, second by Zaruba to recommend for City Council approval as proposed. All voted in favor and the motion carried.

Adjournment

Motion by Zaruba, second by Johnson to adjourn the meeting at 6:35 p.m.

Monthly Financials

CITY SALES TAX

| 2017 | | 2018 | | 2019 | | 2020 | |
|--------------|------------------|--------------|------------------|--------------|------------------|--------------|------------------|
| January | 37127.06 | January | 38148.6 | January | 49923.83 | January | 54779.3 |
| February | 34764.75 | February | 41398.22 | February | 46422.11 | February | 49777.21 |
| 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 | |
| Total | 556256.96 | Total | 611738.28 | Total | 744317.22 | Total | 104556.51 |

KENO REVENUE

| 2017 | | 2018 | | 2019 | | 2020 | |
|--------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|-----------------|
| 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 | 648.52 |
| 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 | |
| Total | 31076.04 | Total | 32610.11 | Total | 43380.28 | Total | 15462.63 |

City of Bennington, Nebraska

Profit & Loss by Class

October 2019 through April 2020

| | Debt Servi... | Fiduciary F... | General G... | Keno Fund | Library Ex... | Parkland I... | Sewer Rep... | Street Fund | Unclassified | TOTAL |
|---|---------------------|----------------|-------------------|---------------|---------------|---------------|-------------------|-------------------|--------------|---------------------|
| Ordinary Income/Expense | | | | | | | | | | |
| Income | | | | | | | | | | |
| 5000 - Taxes | | | | | | | | | | |
| 5002 - Property Taxes | 197,198.92 | 0.00 | 350,269.71 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 547,468.63 |
| 5004 - Homestead Allocation | 4,589.42 | 0.00 | 7,479.46 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 12,068.88 |
| 5008 - Motor Vehicle Fees | 691.44 | 0.00 | 1,155.87 | 0.00 | 0.00 | 0.00 | 0.00 | 13,289.46 | 0.00 | 15,136.77 |
| 5010 - Sales Tax-Local Option Receipts | 0.00 | 0.00 | 428,012.60 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 428,012.60 |
| 5011 - Motor Vehicle Sales Tax | 0.00 | 0.00 | 23,179.90 | 0.00 | 0.00 | 0.00 | 0.00 | 5,411.76 | 0.00 | 28,591.66 |
| 5012 - In-Lieu-Of Tax | 19.43 | 0.00 | 14,637.09 | 0.00 | 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 | 0.00 | -1.02 |
| Total 5000 - Taxes | 202,499.21 | 0.00 | 824,733.61 | 0.00 | 0.00 | 0.00 | 0.00 | 18,701.22 | 0.00 | 1,045,934.04 |
| 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 | 0.00 | 24,165.62 |
| 5120 - Highway Allocation | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 108,841.64 | 0.00 | 108,841.64 |
| 5121 - Highway Allocation-Sales Tax | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 47,004.54 | 0.00 | 47,004.54 |
| Total 5100 - Intergovernmental | 0.00 | 0.00 | 24,165.62 | 0.00 | 0.00 | 0.00 | 0.00 | 155,846.18 | 0.00 | 180,011.80 |
| 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 | 0.00 | 90.00 |
| 5202 - Library Fines & Copy Fees | 0.00 | 0.00 | 431.15 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 431.15 |
| 5203 - Library-Book Replacement Fees | 0.00 | 0.00 | 266.65 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 266.65 |
| 5204 - Franchise Fee-Cable TV | 0.00 | 0.00 | 23,091.66 | 0.00 | 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 | 0.00 | 1,017.00 |
| 5206 - Sewer Connection Permit Fee | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 41,665.50 | 0.00 | 0.00 | 41,665.50 |
| 5208 - Sewer Receipts | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 229,253.90 | 0.00 | 0.00 | 229,253.90 |
| 5210 - Dog Licenses | 0.00 | 0.00 | 1,923.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,923.00 |
| 5211 - Pet Licensing State Fee | 0.00 | 0.00 | -126.88 | 0.00 | 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 | 0.00 | 2,700.00 |
| 5214 - Tobacco Licenses | 0.00 | 0.00 | 10.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10.00 |
| Total 5200 - Charges for Services | 0.00 | 0.00 | 29,402.58 | 0.00 | 0.00 | 0.00 | 270,919.40 | 0.00 | 0.00 | 300,321.98 |
| 5300 - Use of Money & Property | | | | | | | | | | |
| 5302 - Interest | 0.00 | 0.00 | 1,049.51 | 168.45 | 15.55 | 0.00 | 0.00 | 0.00 | 0.00 | 1,233.51 |
| 5304 - Community Room Revenue | 0.00 | 0.00 | 563.75 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 563.75 |
| Total 5300 - Use of Money & Property | 0.00 | 0.00 | 1,613.26 | 168.45 | 15.55 | 0.00 | 0.00 | 0.00 | 0.00 | 1,797.26 |
| 5400 - Grants and Contributions | | | | | | | | | | |
| 5401 - Police Grants | 0.00 | 0.00 | 15,000.00 | 0.00 | 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 | 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 | 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 | 0.00 | 15,742.29 |
| 5500 - Bond and Note Proceeds | | | | | | | | | | |
| 5502 - Bond Proceeds | 1,220,184.14 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,220,184.14 |
| Total 5500 - Bond and Note Proceeds | 1,220,184.14 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,220,184.14 |
| 5600 - Other Miscellaneous Income | | | | | | | | | | |
| 5601 - Police Misc Income | 0.00 | 0.00 | 10.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10.00 |
| 5602 - Keno | 0.00 | 0.00 | 0.00 | 28,967.44 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 28,967.44 |
| 5605 - Park/Streets Misc Income | 0.00 | 0.00 | 11,210.54 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 11,210.54 |
| 5607 - TIF INCOME & EXPENSE | 0.00 | 222,614.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 222,614.11 |

City of Bennington, Nebraska

Profit & Loss by Class

October 2019 through April 2020

| | Debt Servi... | Fiduciary F... | General G... | Keno Fund | Library Ex... | Parkland I... | Sewer Rep... | Street Fund | Unclassified | TOTAL |
|---|---------------|----------------|--------------|-----------|---------------|---------------|--------------|-------------|--------------|--------------|
| 5600 - Other Miscellaneous Income - Other | 0.00 | 0.00 | 165.22 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 165.22 |
| Total 5600 - Other Miscellaneous Income | 0.00 | 222,614.11 | 11,385.76 | 28,967.44 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 262,967.31 |
| Total Income | 1,422,683.35 | 222,614.11 | 907,043.12 | 29,135.89 | 15.55 | 0.00 | 270,919.40 | 174,547.40 | 0.00 | 3,026,958.82 |
| Gross Profit | 1,422,683.35 | 222,614.11 | 907,043.12 | 29,135.89 | 15.55 | 0.00 | 270,919.40 | 174,547.40 | 0.00 | 3,026,958.82 |
| Expense | | | | | | | | | | |
| 6010 - Accounting | 0.00 | 0.00 | 16,379.00 | 0.00 | 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 | 0.00 | 183,762.94 |
| 6040 - Collection Fees-Douglas County | 1,977.59 | 0.00 | 3,280.06 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 5,257.65 |
| 6041 - Admin Fees - State of Ne | 0.00 | 0.00 | 14,212.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 14,212.11 |
| 6042 - VTR 1% Payback | 0.00 | 0.00 | 54.12 | 0.00 | 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 | 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 | 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 | 0.00 |
| 6095 - Engineering-Logeman Park | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 75,000.00 | 75,000.00 | 0.00 | 150,000.00 |
| 6097 - 156th Street Imprvmt Proj | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 12,155.00 | 0.00 | 12,155.00 |
| 6090 - Engineering - Other | 0.00 | 0.00 | 44,891.25 | 0.00 | 0.00 | 0.00 | 0.00 | 8,505.00 | 0.00 | 53,396.25 |
| Total 6090 - Engineering | 0.00 | 0.00 | 44,891.25 | 0.00 | 0.00 | 0.00 | 75,000.00 | 95,660.00 | 0.00 | 215,551.25 |
| 6110 - Repairs & Maintenance | 0.00 | 0.00 | 238.63 | 0.00 | 0.00 | 0.00 | 0.00 | 241,015.43 | 0.00 | 241,254.06 |
| 6120 - Insurance | 0.00 | 0.00 | 6,024.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 6,024.00 |
| 6140 - Legal | | | | | | | | | | |
| 6143 - Benn. Park 5 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 6147 - 156th Street Improvement | 0.00 | 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 | 19,624.65 | 0.00 | 0.00 | 0.00 | 0.00 | 9,531.00 | 0.00 | 29,155.65 |
| Total 6140 - Legal | 0.00 | 0.00 | 19,624.65 | 0.00 | 0.00 | 0.00 | 0.00 | 9,623.00 | 0.00 | 29,247.65 |
| 6150 - Miscellaneous | 0.00 | 0.00 | 4,014.80 | 0.00 | 0.00 | 0.00 | 0.00 | 49.72 | 0.00 | 4,064.52 |
| 6160 - Occupation Tax | 0.00 | 0.00 | 900.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 900.00 |
| 6180 - Office Supplies | 0.00 | 0.00 | 2,412.97 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,412.97 |
| 6190 - Postage | 0.00 | 0.00 | 326.17 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 326.17 |
| 6200 - Publication | 0.00 | 0.00 | 1,702.89 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,702.89 |
| 6210 - Sewer Connections | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 28,801.00 | 0.00 | 0.00 | 28,801.00 |
| 6215 - Sewer - City of Omaha | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 91,648.70 | 0.00 | 0.00 | 91,648.70 |
| 6218 - Signs | 0.00 | 0.00 | 1,337.23 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,337.23 |
| 6220 - People Service Contract | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 8,225.00 | 0.00 | 0.00 | 8,225.00 |
| 6230 - Equipment | 0.00 | 0.00 | 2,488.98 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,488.98 |
| 6250 - Locates | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 434.81 | 0.00 | 0.00 | 434.81 |
| 6255 - Snow Removal | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 35,672.40 | 0.00 | 35,672.40 |
| 6256 - 156th St Improvement | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,493.52 | 0.00 | 7,493.52 |
| 6260 - Telephone | 0.00 | 0.00 | 1,230.35 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,230.35 |
| 6266 - Logeman Park | 0.00 | 0.00 | 4,215.47 | 0.00 | 0.00 | 0.00 | 0.00 | 98,240.03 | 0.00 | 102,455.50 |
| 6270 - Utilities | 0.00 | 0.00 | 2,906.62 | 0.00 | 0.00 | 0.00 | 0.00 | 33,161.63 | 0.00 | 36,068.25 |
| 6560 - Payroll Expnses-Gen Govt/Street | | | | | | | | | | |
| 6562 - Payroll Taxes-Genl Govt/Streets | 0.00 | 0.00 | 2,755.85 | 0.00 | 0.00 | 0.00 | 0.00 | 2,373.74 | 0.00 | 5,129.59 |
| 6570 - Salary-City Clerk's Office | | | | | | | | | | |
| 6571 - Full Time City Office | 0.00 | 0.00 | 34,046.91 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 34,046.91 |
| 6572 - Part-time City Office | 0.00 | 0.00 | 8,092.16 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 8,092.16 |
| Total 6570 - Salary-City Clerk's Office | 0.00 | 0.00 | 42,139.07 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 42,139.07 |

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

| | Debt Servi... | Fiduciary F... | General G... | Keno Fund | Library Ex... | Parkland I... | Sewer Rep... | Street Fund | Unclassified | TOTAL |
|---|---------------------|----------------|------------------|-------------|---------------|---------------|-----------------|------------------|--------------|---------------------|
| 6560 · Payroll Expnses-Gen Govt/Street - Other | 0.00 | 0.00 | 776.16 | 0.00 | 0.00 | 0.00 | 0.00 | 14.42 | 0.00 | 790.58 |
| Total 6560 · Payroll Expnses-Gen Govt/Street | 0.00 | 0.00 | 45,671.08 | 0.00 | 0.00 | 0.00 | 0.00 | 2,388.16 | 0.00 | 48,059.24 |
| 6561 · Meritorious Awards | 0.00 | 0.00 | 1,200.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 156.95 | 1,356.95 |
| 6580 · Ret Plan Contrib-Gen Govt/Stree | 0.00 | 0.00 | 1,237.49 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,237.49 |
| 6581 · Health Insurance | 0.00 | 0.00 | 7,088.89 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,088.89 |
| 7102 · Bonds Retired | | | | | | | | | | |
| 7127 · 2012 Refunding Bonds | 1,220,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,220,000.00 |
| 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 | 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 | 0.00 | 200,000.00 |
| Total 7102 · Bonds Retired | 1,450,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,450,000.00 |
| 7200 · Interest | | | | | | | | | | |
| 7211 · INTEREST ON 2017 BAN | 9,260.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 9,260.00 |
| 7225 · 2012 Refunding Bond interest | 19,849.81 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 19,849.81 |
| 7227 · Refunding of 1/15/08 Bnd Intere | 232.50 | 0.00 | 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 | 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 | 0.00 | 5,275.75 |
| Total 7200 · Interest | 54,044.31 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 54,044.31 |
| 7802 · Keno License | 0.00 | 0.00 | 0.00 | 100.00 | 0.00 | 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 | 0.00 | 13,263.40 |
| 8900 · Park and Recreation | | | | | | | | | | |
| 8918 · Equipment | 0.00 | 0.00 | 15,923.43 | 0.00 | 0.00 | 0.00 | 0.00 | 11,789.11 | 0.00 | 27,712.54 |
| 8928 · Gas and Oil | 0.00 | 0.00 | 776.40 | 0.00 | 0.00 | 96.53 | 0.00 | 1,092.07 | 0.00 | 1,965.00 |
| 8932 · Health Insurance | 0.00 | 0.00 | 4,551.67 | 0.00 | 0.00 | 0.00 | 0.00 | 4,644.58 | 0.00 | 9,196.25 |
| 8935 · Mileage | 0.00 | 0.00 | 419.75 | 0.00 | 0.00 | 0.00 | 0.00 | 599.78 | 0.00 | 1,019.53 |
| 8950 · Repairs and Maintenance | 0.00 | 0.00 | 33,152.03 | 0.00 | 0.00 | 0.00 | 1,362.70 | 3,425.88 | 0.00 | 37,940.61 |
| 8952 · Training | 0.00 | 0.00 | 857.30 | 0.00 | 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 | 0.00 | 200.00 |
| 8962 · Payroll Taxes | 0.00 | 0.00 | 2,762.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,762.00 |
| 8970 · Salaries total | | | | | | | | | | |
| 8971 · Full time salaries | 0.00 | 0.00 | 18,995.41 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 18,995.41 |
| 8972 · Part time salaries | 0.00 | 0.00 | 9,259.46 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 9,259.46 |
| Total 8970 · Salaries total | 0.00 | 0.00 | 28,254.87 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 28,254.87 |
| 8978 · Supplies | 0.00 | 0.00 | 3,654.64 | 0.00 | 0.00 | 0.00 | 0.00 | 3,863.06 | 0.00 | 7,517.70 |
| 8980 · Telephone | 0.00 | 0.00 | 727.85 | 0.00 | 0.00 | 0.00 | 0.00 | 647.03 | 0.00 | 1,374.68 |
| 8981 · Retirement Plan Contributions | 0.00 | 0.00 | 488.12 | 0.00 | 0.00 | 0.00 | 0.00 | 533.13 | 0.00 | 1,021.25 |
| 8982 · Utilities | 0.00 | 0.00 | 3,284.14 | 0.00 | 0.00 | 0.00 | 0.00 | 1,756.15 | 0.00 | 5,040.29 |
| 8985 · Ballfield Lights | 0.00 | 0.00 | 1,263.14 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,263.14 |
| 8900 · Park and Recreation - Other | 0.00 | 0.00 | 778.13 | 0.00 | 0.00 | 0.00 | 0.00 | 218.94 | 0.00 | 997.07 |
| Total 8900 · Park and Recreation | 0.00 | 0.00 | 97,093.27 | 0.00 | 0.00 | 96.53 | 1,362.70 | 28,569.73 | 0.00 | 127,122.23 |
| 9000 · Police Department | | | | | | | | | | |
| 9015 · Dues, Memberships & Publication | 0.00 | 0.00 | 75.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 75.00 |
| 9018 · Equipment | 0.00 | 0.00 | 16,645.98 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 16,645.98 |
| 9028 · Gas and Oil | 0.00 | 0.00 | 2,372.57 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,372.57 |
| 9032 · Health Insurance | 0.00 | 0.00 | 16,797.79 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 16,797.79 |
| 9040 · Meetings | 0.00 | 0.00 | 66.17 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 66.17 |
| 9045 · Miscellaneous | 0.00 | 0.00 | 47,455.87 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 47,455.87 |
| 9050 · Repairs and Maintenance- Equip | 0.00 | 0.00 | 1,725.83 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,725.83 |
| 9051 · Repairs & Maint - Vehicles | 0.00 | 0.00 | 3,006.29 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,006.29 |

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

| | Debt Servi... | Fiduciary F... | General G... | Keno Fund | Library Ex... | Parkland I... | Sewer Rep... | Street Fund | Unclassified | TOTAL |
|--|---------------|----------------|-------------------|-------------|---------------|---------------|--------------|------------------|--------------|-------------------|
| 9052 · Repairs & Maintenance-Buildings | 0.00 | 0.00 | 1,687.41 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,687.41 |
| 9055 · Computer Tech Support | 0.00 | 0.00 | 1,616.89 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,616.89 |
| 9062 · Payroll Taxes | 0.00 | 0.00 | 6,054.94 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 6,054.94 |
| 9070 · Salaries total | | | | | | | | | | |
| 9071 · Full time Salaries | 0.00 | 0.00 | 61,553.59 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 61,553.59 |
| 9072 · Part time salaries | 0.00 | 0.00 | 17,755.72 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 17,755.72 |
| 9073 · Police Overtime | 0.00 | 0.00 | 1,303.20 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,303.20 |
| Total 9070 · Salaries total | 0.00 | 0.00 | 80,612.51 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 80,612.51 |
| 9077 · Supplies | 0.00 | 0.00 | 5,131.03 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 5,131.03 |
| 9078 · Supplies & Ammunition | 0.00 | 0.00 | 2,522.80 | 0.00 | 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 | 0.00 | 56.13 |
| 9080 · Telephone | 0.00 | 0.00 | 3,046.11 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,046.11 |
| 9081 · Retirement Plan Contributions | 0.00 | 0.00 | 265.19 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 265.19 |
| 9082 · Utilities | 0.00 | 0.00 | 4,398.56 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 4,398.56 |
| 9083 · Training | 0.00 | 0.00 | 2,378.37 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,378.37 |
| 9084 · Employee Tuition Reimbursement | 0.00 | 0.00 | 466.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 466.00 |
| 9085 · Uniforms | 0.00 | 0.00 | 523.50 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 523.50 |
| Total 9000 · Police Department | 0.00 | 0.00 | 196,904.94 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 196,904.94 |
| 9100 · Fire Department | 0.00 | 0.00 | 97,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 97,500.00 |
| 9200 · Library | | | | | | | | | | |
| 9205 · Print Materials | 0.00 | 0.00 | 9,320.63 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 9,320.63 |
| 9210 · Dues | 0.00 | 0.00 | 70.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 70.00 |
| 9215 · Equipment | 0.00 | 0.00 | 832.80 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 832.80 |
| 9220 · Electronic Materials | 0.00 | 0.00 | 842.36 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 842.36 |
| 9225 · Housekeeping | 0.00 | 0.00 | 1,505.74 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,505.74 |
| 9230 · Office & Postage | 0.00 | 0.00 | 200.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 200.00 |
| 9235 · Repairs & Maintenance | 0.00 | 0.00 | 1,708.91 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,708.91 |
| 9240 · Salaries | | | | | | | | | | |
| 9241 · Full time Salaries | 0.00 | 0.00 | 27,073.85 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 27,073.85 |
| 9242 · Part time salaries | 0.00 | 0.00 | 21,898.45 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 21,898.45 |
| Total 9240 · Salaries | 0.00 | 0.00 | 48,972.30 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 48,972.30 |
| 9245 · Reading Program | 0.00 | 0.00 | 1,264.70 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,264.70 |
| 9250 · Supplies | 0.00 | 0.00 | 1,361.23 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,361.23 |
| 9255 · Telephone | 0.00 | 0.00 | 446.35 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 446.35 |
| 9260 · Utilities | 0.00 | 0.00 | 1,866.36 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,866.36 |
| 9262 · Payroll Taxes | 0.00 | 0.00 | 3,905.69 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 3,905.69 |
| 9265 · Travel/Mileage | 0.00 | 0.00 | 242.44 | 0.00 | 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 | 0.00 | 51.99 |
| 9275 · Electronic Access | 0.00 | 0.00 | 2,008.72 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2,008.72 |
| 9281 · Retirement Plan Contributions | 0.00 | 0.00 | 1,309.41 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,309.41 |
| 9285 · Health Ins | 0.00 | 0.00 | 7,410.77 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,410.77 |
| Total 9200 · Library | 0.00 | 0.00 | 83,320.40 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 83,320.40 |
| 9370 · Salaries-Streets total | | | | | | | | | | |
| 9371 · Full time salaries | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 21,044.72 | 0.00 | 21,044.72 |
| 9372 · Part time salaries | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 9,197.73 | 0.00 | 9,197.73 |
| Total 9370 · Salaries-Streets total | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 30,242.45 | 0.00 | 30,242.45 |

City of Bennington, Nebraska

Profit & Loss by Class

October 2019 through April 2020

| | Debt Servi... | Fiduciary F... | General G... | Keno Fund | Library Ex... | Parkland L... | Sewer Rep... | Street Fund | Unclassified | TOTAL |
|---------------------|---------------|----------------|--------------|-----------|---------------|---------------|--------------|-------------|--------------|--------------|
| Total Expense | 1,506,021.90 | 183,762.94 | 665,250.37 | 100.00 | 13,263.40 | 96.53 | 205,472.21 | 582,176.07 | 156.95 | 3,156,300.37 |
| Net Ordinary Income | -83,338.55 | 38,851.17 | 241,792.75 | 29,035.89 | -13,247.85 | -96.53 | 65,447.19 | -407,628.67 | -156.95 | -129,341.55 |
| Net Income | -83,338.55 | 38,851.17 | 241,792.75 | 29,035.89 | -13,247.85 | -96.53 | 65,447.19 | -407,628.67 | -156.95 | -129,341.55 |

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

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|---|---------------------|---------------------|--------------------|--------------|
| Ordinary Income/Expense | | | | |
| Income | | | | |
| 5000 · Taxes | | | | |
| 5002 · Property Taxes | 547,468.63 | 1,087,135.00 | -539,666.37 | 50.4% |
| 5004 · Homestead Allocation | 12,068.88 | | | |
| 5006 · VTR Tax | 0.00 | 65,000.00 | -65,000.00 | 0.0% |
| 5008 · Motor Vehicle Fees | 1,847.31 | 7,730.00 | -5,882.69 | 23.9% |
| 5010 · Sales Tax-Local Option Receipts | 428,012.60 | 550,000.00 | -121,987.40 | 77.8% |
| 5011 · Motor Vehicle Sales Tax | 23,179.90 | | | |
| 5012 · In-Lieu-Of Tax | 14,656.52 | 39,500.00 | -24,843.48 | 37.1% |
| 5020 · Special Assessments | -1.02 | | | |
| Total 5000 · Taxes | 1,027,232.82 | 1,749,365.00 | -722,132.18 | 58.7% |
| 5100 · Intergovernmental | | | | |
| 5106 · Douglas Cnty Library User Fees | 24,165.62 | 55,000.00 | -30,834.38 | 43.9% |
| Total 5100 · Intergovernmental | 24,165.62 | 55,000.00 | -30,834.38 | 43.9% |
| 5200 · Charges for Services | | | | |
| 5201 · Library-Non DC Fees | 90.00 | 250.00 | -160.00 | 36.0% |
| 5202 · Library Fines & Copy Fees | 431.15 | 500.00 | -68.85 | 86.2% |
| 5203 · Library-Book Replacement Fees | 266.65 | 400.00 | -133.35 | 66.7% |
| 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 | 1,923.00 | 2,200.00 | -277.00 | 87.4% |
| 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% |
| Total 5200 · Charges for Services | 29,402.58 | 30,060.00 | -657.42 | 97.8% |
| 5300 · Use of Money & Property | | | | |
| 5302 · Interest | 1,049.51 | 500.00 | 549.51 | 209.9% |
| 5304 · Community Room Revenue | 563.75 | 3,000.00 | -2,436.25 | 18.8% |
| Total 5300 · Use of Money & Property | 1,613.26 | 3,500.00 | -1,886.74 | 46.1% |
| 5400 · Grants and Contributions | | | | |
| 5401 · Police Grants | 15,000.00 | | | |
| 5402 · Donations | 105.00 | | | |
| 5403 · Contrib's/Donations-Libr | 637.29 | | | |
| Total 5400 · Grants and Contributions | 15,742.29 | | | |
| 5500 · Bond and Note Proceeds | | | | |
| 5502 · Bond Proceeds | 1,220,184.14 | | | |
| Total 5500 · Bond and Note Proceeds | 1,220,184.14 | | | |
| 5600 · Other Miscellaneous Income | | | | |
| 5601 · Police Misc Income | 10.00 | 500.00 | -490.00 | 2.0% |
| 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% |
| Total 5600 · Other Miscellaneous Income | 11,385.76 | 98,000.00 | -86,614.24 | 11.6% |

City of Bennington, Nebraska
Profit & Loss Budget vs. Actual - GENERAL AND BOND FUNDS

October 2019 through April 2020

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|---|------------------|--------------|----------------|-------------|
| Total Income | 2,329,726.47 | 1,935,925.00 | 393,801.47 | 120.3% |
| Gross Profit | 2,329,726.47 | 1,935,925.00 | 393,801.47 | 120.3% |
| Expense | | | | |
| 6010 · Accounting | 16,379.00 | 22,000.00 | -5,621.00 | 74.5% |
| 6040 · Collection Fees-Douglas County | 5,257.65 | 8,000.00 | -2,742.35 | 65.7% |
| 6041 · Admin Fees - State of Ne | 14,212.11 | 18,000.00 | -3,787.89 | 79.0% |
| 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 | 44,891.25 | 115,000.00 | -70,108.75 | 39.0% |
| Total 6090 · Engineering | 44,891.25 | 125,000.00 | -80,108.75 | 35.9% |
| 6110 · Repairs & Maintenance | 238.63 | 5,000.00 | -4,761.37 | 4.8% |
| 6120 · Insurance | 6,024.00 | 51,080.00 | -45,056.00 | 11.8% |
| 6140 · Legal | | | | |
| 6143 · Benn. Park 5 | 0.00 | | | |
| 6140 · Legal - Other | 19,624.65 | 50,000.00 | -30,375.35 | 39.2% |
| Total 6140 · Legal | 19,624.65 | 50,000.00 | -30,375.35 | 39.2% |
| 6150 · Miscellaneous | 4,014.80 | 15,000.00 | -10,985.20 | 26.8% |
| 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 | 2,412.97 | 3,500.00 | -1,087.03 | 68.9% |
| 6190 · Postage | 326.17 | 1,000.00 | -673.83 | 32.6% |
| 6200 · Publication | 1,702.89 | 3,000.00 | -1,297.11 | 56.8% |
| 6218 · Signs | 1,337.23 | 500.00 | 837.23 | 267.4% |
| 6230 · Equipment | 2,488.98 | 5,000.00 | -2,511.02 | 49.8% |
| 6260 · Telephone | 1,230.35 | 2,200.00 | -969.65 | 55.9% |
| 6266 · Logeman Park | 4,215.47 | | | |
| 6270 · Utilities | 2,908.62 | 9,000.00 | -6,093.38 | 32.3% |
| 6560 · Payroll Expnses-Gen Govt/Street | | | | |
| 6562 · Payroll Taxes-Genl Govt/Streets | 2,755.85 | 5,520.00 | -2,764.15 | 49.9% |
| 6570 · Salary-City Clerk's Office | | | | |
| 6571 · Full Time City Office | 34,046.91 | 55,000.00 | -20,953.09 | 61.9% |
| 6572 · Part-time City Office | 8,092.16 | 14,000.00 | -5,907.84 | 57.8% |
| Total 6570 · Salary-City Clerk's Office | 42,139.07 | 69,000.00 | -26,860.93 | 61.1% |
| 6560 · Payroll Expnses-Gen Govt/Street - Other | 776.16 | 1,300.00 | -523.84 | 59.7% |
| Total 6560 · Payroll Expnses-Gen Govt/Street | 45,671.08 | 75,820.00 | -30,148.92 | 60.2% |
| 6561 · Meritorious Awards | 1,200.00 | 2,500.00 | -1,300.00 | 48.0% |
| 6580 · Ret Plan Contrib-Gen Govt/Stree | 1,237.49 | 2,070.00 | -832.51 | 59.8% |
| 6581 · Health Insurance | 7,088.89 | 14,079.00 | -6,990.11 | 50.4% |
| 7102 · Bonds Retired | | | | |
| 7107 · 2017 BAN | 0.00 | 40,000.00 | -40,000.00 | 0.0% |
| 7127 · 2012 Refunding Bonds | 1,220,000.00 | 25,000.00 | 1,195,000.00 | 4,880.0% |
| 7129 · 2013 Refunding of 1-15-08 Bond | 30,000.00 | 30,000.00 | 0.00 | 100.0% |

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

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|---|---------------------|-------------------|---------------------|---------------|
| 7130 · 3-17-15 REFUND BOND | 200,000.00 | 200,000.00 | 0.00 | 100.0% |
| Total 7102 · Bonds Retired | 1,450,000.00 | 295,000.00 | 1,155,000.00 | 491.5% |
| 7200 · Interest | | | | |
| 7211 · INTEREST ON 2017 BAN | 9,260.00 | 18,520.00 | -9,260.00 | 50.0% |
| 7225 · 2012 Refunding Bond interest | 19,849.81 | 34,093.00 | -14,243.19 | 58.2% |
| 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% |
| Total 7200 · Interest | 54,044.31 | 100,946.00 | -46,901.69 | 53.5% |
| 7300 · BOND ISSUANCE COST | | | | |
| 7301 · 2017 BOND ISSUANCE COST | 0.00 | 3,000.00 | -3,000.00 | 0.0% |
| Total 7300 · BOND ISSUANCE COST | 0.00 | 3,000.00 | -3,000.00 | 0.0% |
| 8900 · Park and Recreation | | | | |
| 8918 · Equipment | 15,923.43 | 30,000.00 | -14,076.57 | 53.1% |
| 8928 · Gas and Oil | 776.40 | 3,000.00 | -2,223.60 | 25.9% |
| 8932 · Health Insurance | 4,551.67 | 7,039.00 | -2,487.33 | 64.7% |
| 8935 · Mileage | 419.75 | 600.00 | -180.25 | 70.0% |
| 8950 · Repairs and Maintenance | 33,152.03 | 35,000.00 | -1,847.97 | 94.7% |
| 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 | 2,762.00 | 5,147.00 | -2,385.00 | 53.7% |
| 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 | 18,995.41 | 52,788.00 | -33,792.59 | 36.0% |
| 8972 · Part time salaries | 9,259.46 | 12,000.00 | -2,740.54 | 77.2% |
| Total 8970 · Salaries total | 28,254.87 | 66,038.00 | -37,783.13 | 42.8% |
| 8978 · Supplies | 3,654.64 | 7,000.00 | -3,345.36 | 52.2% |
| 8980 · Telephone | 727.65 | 800.00 | -72.35 | 91.0% |
| 8981 · Retirement Plan Contributions | 488.12 | 1,900.00 | -1,411.88 | 25.7% |
| 8982 · Utilities | 3,284.14 | 6,000.00 | -2,715.86 | 54.7% |
| 8985 · Ballfield Lights | 1,263.14 | 5,000.00 | -3,736.86 | 25.3% |
| 8900 · Park and Recreation - Other | 778.13 | 15,000.00 | -14,221.87 | 5.2% |
| Total 8900 · Park and Recreation | 97,093.27 | 185,824.00 | -88,730.73 | 52.3% |
| 9000 · Police Department | | | | |
| 9015 · Dues, Memberships & Publication | 75.00 | 200.00 | -125.00 | 37.5% |
| 9018 · Equipment | 16,645.98 | 5,500.00 | 11,145.98 | 302.7% |
| 9028 · Gas and Oil | 2,372.57 | 10,100.00 | -7,727.43 | 23.5% |
| 9032 · Health Insurance | 16,797.79 | 53,158.00 | -36,360.21 | 31.6% |
| 9040 · Meetings | 66.17 | 200.00 | -133.83 | 33.1% |
| 9045 · Miscellaneous | 47,455.87 | 2,500.00 | 44,955.87 | 1,898.2% |
| 9050 · Repairs and Maintenance- Equip | 1,725.83 | 2,500.00 | -774.17 | 69.0% |
| 9051 · Repairs & Maint - Vehicles | 3,006.29 | 4,500.00 | -1,493.71 | 66.8% |
| 9052 · Repairs & Maintenance-Buildings | 1,687.41 | 3,000.00 | -1,312.59 | 56.2% |
| 9055 · Computer Tech Support | 1,616.89 | 2,000.00 | -383.11 | 80.8% |
| 9062 · Payroll Taxes | 6,054.94 | 15,600.00 | -9,545.06 | 38.8% |
| 9070 · Salaries total | | | | |
| 9071 · Full time Salaries | 61,553.59 | 171,500.00 | -109,946.41 | 35.9% |

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

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|---------------------------------------|---------------------|---------------------|--------------------|---------------|
| 9072 · Part time salaries | 17,755.72 | 22,000.00 | -4,244.28 | 80.7% |
| 9073 · Police Overtime | 1,303.20 | 3,000.00 | -1,696.80 | 43.4% |
| Total 9070 · Salaries total | 80,612.51 | 196,500.00 | -115,887.49 | 41.0% |
| 9077 · Supplies | 5,131.03 | 2,000.00 | 3,131.03 | 256.6% |
| 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 | 3,046.11 | 4,450.00 | -1,403.89 | 68.5% |
| 9081 · Retirement Plan Contributions | 265.19 | 6,000.00 | -5,734.81 | 4.4% |
| 9082 · Utilities | 4,398.56 | | | |
| 9083 · Training | 2,378.37 | 13,000.00 | -10,621.63 | 18.3% |
| 9084 · Employee Tuition Reimbursement | 466.00 | | | |
| 9085 · Uniforms | 523.50 | 3,000.00 | -2,476.50 | 17.5% |
| Total 9000 · Police Department | 196,904.94 | 327,483.00 | -130,578.06 | 60.1% |
| 9100 · Fire Department | 97,500.00 | 130,000.00 | -32,500.00 | 75.0% |
| 9200 · Library | | | | |
| 9205 · Print Materials | 9,320.63 | 15,750.00 | -6,429.37 | 59.2% |
| 9210 · Dues | 70.00 | 400.00 | -330.00 | 17.5% |
| 9215 · Equipment | 832.80 | 5,000.00 | -4,167.20 | 16.7% |
| 9220 · Electronic Materials | 842.36 | 5,000.00 | -4,157.64 | 16.8% |
| 9225 · Housekeeping | 1,505.74 | 3,640.00 | -2,134.26 | 41.4% |
| 9230 · Office & Postage | 200.00 | 600.00 | -400.00 | 33.3% |
| 9235 · Repairs & Maintenance | 1,708.91 | 1,000.00 | 708.91 | 170.9% |
| 9240 · Salaries | | | | |
| 9241 · Full time Salaries | 27,073.85 | 45,584.00 | -18,510.15 | 59.4% |
| 9242 · Part time salaries | 21,898.45 | 52,523.00 | -30,624.55 | 41.7% |
| Total 9240 · Salaries | 48,972.30 | 98,107.00 | -49,134.70 | 49.9% |
| 9245 · Reading Program | 1,264.70 | 3,500.00 | -2,235.30 | 36.1% |
| 9250 · Supplies | 1,361.23 | 3,000.00 | -1,638.77 | 45.4% |
| 9255 · Telephone | 446.35 | 1,000.00 | -553.65 | 44.6% |
| 9260 · Utilities | 1,866.36 | 4,500.00 | -2,633.64 | 41.5% |
| 9262 · Payroll Taxes | 3,905.69 | 7,849.00 | -3,943.31 | 49.8% |
| 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 | 2,008.72 | 7,150.00 | -5,141.28 | 28.1% |
| 9281 · Retirement Plan Contributions | 1,309.41 | 2,100.00 | -790.59 | 62.4% |
| 9285 · Health Ins | 7,410.77 | 14,079.00 | -6,668.23 | 52.6% |
| Total 9200 · Library | 83,320.40 | 174,375.00 | -91,054.60 | 47.8% |
| Total Expense | 2,171,272.27 | 1,647,497.00 | 523,775.27 | 131.8% |
| Net Ordinary Income | 158,454.20 | 288,428.00 | -129,973.80 | 54.9% |
| Net Income | 158,454.20 | 288,428.00 | -129,973.80 | 54.9% |

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

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|--|-------------------|---------------------|--------------------|---------------|
| Ordinary Income/Expense | | | | |
| Income | | | | |
| 5000 · Taxes | | | | |
| 5008 · Motor Vehicle Fees | 13,289.46 | 12,500.00 | 789.46 | 106.3% |
| 5011 · Motor Vehicle Sales Tax | 5,411.76 | | | |
| Total 5000 · Taxes | 18,701.22 | 12,500.00 | 6,201.22 | 149.6% |
| 5100 · Intergovernmental | | | | |
| 5120 · Highway Allocation | 108,841.64 | 185,000.00 | -76,158.36 | 58.8% |
| 5121 · Highway Allocation-Sales Tax | 47,004.54 | 55,000.00 | -7,995.46 | 85.5% |
| Total 5100 · Intergovernmental | 155,846.18 | 240,000.00 | -84,153.82 | 64.9% |
| 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 | 174,547.40 | 1,052,500.00 | -877,952.60 | 16.6% |
| Gross Profit | 174,547.40 | 1,052,500.00 | -877,952.60 | 16.6% |
| 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 Imprvmt Proj | 12,155.00 | 20,000.00 | -7,845.00 | 60.8% |
| 6090 · Engineering - Other | 8,505.00 | 42,000.00 | -33,495.00 | 20.3% |
| Total 6090 · Engineering | 95,660.00 | 65,000.00 | 30,660.00 | 147.2% |
| 6110 · Repairs & Maintenance | 241,015.43 | 225,000.00 | 16,015.43 | 107.1% |
| 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 | 35,672.40 | 60,000.00 | -24,327.60 | 59.5% |
| 6256 · 156th St Improvement | 7,493.52 | 800,000.00 | -792,506.48 | 0.9% |
| 6266 · Logeman Park | 98,240.03 | 95,000.00 | 3,240.03 | 103.4% |
| 6270 · Utilities | 33,161.63 | 60,000.00 | -26,838.37 | 55.3% |
| 6560 · Payroll Expnses-Gen Govt/Street | | | | |
| 6562 · Payroll Taxes-Genl Govt/Streets | 2,373.74 | 4,039.00 | -1,665.26 | 58.8% |
| 6560 · Payroll Expnses-Gen Govt/Street - Other | 14.42 | | | |

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

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|--|------------------|--------------|----------------|-------------|
| Total 6560 · Payroll Expnses-Gen Govt/Street | 2,388.16 | 4,039.00 | -1,650.84 | 59.1% |
| 8900 · Park and Recreation | | | | |
| 8918 · Equipment | 11,789.11 | 30,000.00 | -18,210.89 | 39.3% |
| 8928 · Gas and Oil | 1,092.07 | 3,500.00 | -2,407.93 | 31.2% |
| 8932 · Health Insurance | 4,644.58 | 7,039.00 | -2,394.42 | 66.0% |
| 8935 · Mileage | 599.78 | 600.00 | -0.22 | 100.0% |
| 8950 · Repairs and Maintenance | 3,425.88 | 15,000.00 | -11,574.12 | 22.8% |
| 8978 · Supplies | 3,863.06 | 4,000.00 | -136.94 | 96.6% |
| 8980 · Telephone | 647.03 | 800.00 | -152.97 | 80.9% |
| 8981 · Retirement Plan Contributions | 533.13 | 1,600.00 | -1,066.87 | 33.3% |
| 8982 · Utilities | 1,756.15 | 2,200.00 | -443.85 | 79.8% |
| 8900 · Park and Recreation - Other | 218.94 | | | |
| Total 8900 · Park and Recreation | 28,569.73 | 64,739.00 | -36,169.27 | 44.1% |
| 9370 · Salaries-Streets total | | | | |
| 9371 · Full time salaries | 21,044.72 | 39,000.00 | -17,955.28 | 54.0% |
| 9372 · Part time salaries | 9,197.73 | 13,000.00 | -3,802.27 | 70.8% |
| Total 9370 · Salaries-Streets total | 30,242.45 | 52,000.00 | -21,757.55 | 58.2% |
| Total Expense | 582,176.07 | 1,430,778.00 | -848,601.93 | 40.7% |
| Net Ordinary Income | -407,628.67 | -378,278.00 | -29,350.67 | 107.8% |
| Net Income | -407,628.67 | -378,278.00 | -29,350.67 | 107.8% |

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

| | Oct '19 - Apr 20 | Budget | \$ Over Budget | % of Budget |
|--|-------------------|-------------------|--------------------|-----------------|
| Ordinary Income/Expense | | | | |
| Income | | | | |
| 5200 · Charges for Services | | | | |
| 5206 · Sewer Connection Permit Fee | 41,665.50 | 35,000.00 | 6,665.50 | 119.0% |
| 5208 · Sewer Receipts | 229,253.90 | 355,000.00 | -125,746.10 | 64.6% |
| Total 5200 · Charges for Services | 270,919.40 | 390,000.00 | -119,080.60 | 69.5% |
| Total Income | 270,919.40 | 390,000.00 | -119,080.60 | 69.5% |
| Gross Profit | 270,919.40 | 390,000.00 | -119,080.60 | 69.5% |
| Expense | | | | |
| 6090 · Engineering | | | | |
| 6095 · Engineering-Logeman Park | 75,000.00 | | | |
| 6090 · Engineering - Other | 0.00 | 5,000.00 | -5,000.00 | 0.0% |
| Total 6090 · Engineering | 75,000.00 | 5,000.00 | 70,000.00 | 1,500.0% |
| 6110 · Repairs & Maintenance | 0.00 | 2,000.00 | -2,000.00 | 0.0% |
| 6210 · Sewer Connections | 28,801.00 | 30,000.00 | -1,199.00 | 96.0% |
| 6215 · Sewer - City of Omaha | 91,648.70 | 225,000.00 | -133,351.30 | 40.7% |
| 6218 · Signs | 0.00 | 0.00 | 0.00 | 0.0% |
| 6220 · People Service Contract | 8,225.00 | 14,520.00 | -6,295.00 | 56.6% |
| 6250 · Locates | 434.81 | 450.00 | -15.19 | 96.6% |
| 8900 · Park and Recreation | | | | |
| 8950 · Repairs and Maintenance | 1,362.70 | | | |
| Total 8900 · Park and Recreation | 1,362.70 | | | |
| Total Expense | 205,472.21 | 276,970.00 | -71,497.79 | 74.2% |
| Net Ordinary Income | 65,447.19 | 113,030.00 | -47,582.81 | 57.9% |
| Net Income | 65,447.19 | 113,030.00 | -47,582.81 | 57.9% |

**CITY OF BENNINGTON
GENERAL EXPENSES BUDGET VS ACTUAL**

THRU 4/30/2020

(GOAL 58%)

| | ACTUALS | PLANNED | % | COMMENTS/ UNPLANNED |
|--|--------------------|--------------------|---------------|--|
| | 4/30/2020 | 10/31/2019 | OF BUDGET | EXPENSE/COST SAVING |
| NON PROJECT GENERAL REVENUES (includes Bond Re | | | | |
| PROPERTY TAXES (5002) | \$547,469 | \$1,087,135 | 50.36% | |
| PROPERTY TAX CREDIT (5101) | \$0 | | #DIV/0! | |
| HOMESTEAD ALLOC (5004) | \$12,069 | | #DIV/0! | |
| MOTOR VEHICLE PRO-RATE (5008) | \$1,847 | \$7,730 | 23.90% | |
| MOTOR VEHICLE TAX(VTR Tax) (5006) | \$0 | \$65,000 | 0.00% | |
| LOCAL SALES TAX (5010) | \$428,013 | \$550,000 | 77.82% | |
| MOTOR VEHICLE SALES TAX (5011) | \$23,180 | \$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) | \$4,506 | \$5,910 | 76.25% | |
| OCCUPATION TAX (5220) | \$0 | \$0 | #DIV/0! | |
| INTEREST INCOME (5302) | \$1,050 | \$500 | 209.90% | |
| COMMUNITY ROOM RENTS (5304) | \$564 | \$3,000 | 18.79% | |
| OTHER INCOME (5601, 5600, 5605) | \$11,386 | \$98,000 | 11.62% | *Waiting on Newport Vista 1% Admin Fee \$80K |
| 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) | \$788 | \$1,150 | 68.50% | |
| COUNTY LIBRARY FUNDS (5106) | \$24,166 | \$55,000 | 43.94% | |
| TOTAL NON PROJECT GENERAL REVENUES | \$1,109,542 | \$1,935,925 | 57.31% | |
| NON PROJECT GENERAL EXPENSES | | | | |
| CITY BREAKDOWN | | | | |
| ACCOUNTING/AUDIT (6010) | \$16,379 | \$22,000 | 74.45% | |
| COLLECTION FEES (DOUGLAS COUNTY) (6040) | \$5,258 | \$8,000 | 65.72% | |
| ADMIN FEES - STATE OF NE (6041) | \$14,212 | \$18,000 | 78.96% | |
| VTR 1% PAYBACK (6042) | \$54 | \$500 | 10.82% | |
| DOG CATCHER (6060) | \$0 | \$250 | 0.00% | |
| ELECTION EXPENSE (6080) | \$0 | \$400 | 0.00% | |
| ENGINEERING (6090) | \$44,891 | \$125,000 | 35.91% | |
| REPAIRS/MAINTENANCE (6110) | \$239 | \$5,000 | 4.77% | |
| INSURANCE/BONDS (6120) | \$6,024 | \$51,080 | 11.79% | |
| LEGAL (6140) | \$19,625 | \$50,000 | 39.25% | |
| TO SCHOOL DISTRICT-OCCUPATION TAX (6160) | \$900 | \$1,100 | 81.82% | |
| MERITORIOUS AWARDS (6561) | \$1,200 | \$2,500 | 48.00% | |
| CITY TOTAL | \$108,781 | \$283,830 | 38.33% | |
| ADMIN OFFICE | \$83,628 | \$147,039 | 56.87% | |
| POLICE | \$196,905 | \$327,483 | 60.13% | |
| FIRE | \$97,500 | \$130,000 | 75.00% | Paid Quarterly |
| PARKS | \$97,093 | \$170,824 | 56.84% | |
| LIBRARY | \$83,320 | \$174,375 | 47.78% | |
| TOTAL NON PROJECT GENERAL EXPENDITURES | \$667,228 | \$1,233,551 | 54.09% | |
| Gen'l Fund+ Bond Fund Revenues \$1,109,542 minus GF Expenditures \$667,228 = | | \$442,314 | | |

CITY OF BENNINGTON
STREETS BUDGET VS ACTUAL
THRU 4/30/2020
(GOAL 58%)

| | ACTUALS | PLANNED | | COMMENTS/ UNPLANNED |
|--|------------------|--------------------|---------------|--|
| | 4/30/2020 | 10/31/2019 | % | EXPENSE/COST SAVING |
| | | | OF BUDGET | |
| STREET REVENUES | | | | |
| MOTOR VEHICLE FEES (5008) | \$13,289 | \$12,500 | 106% | |
| MOTOR VEHICLE SALES TAX (5011) | \$5,412 | \$0 | #DIV/0! | |
| HIGHWAY ALLOC (5120) | \$108,842 | \$185,000 | 58.83% | |
| HIGHWAY ALLOC SALES TAX (5121) | \$47,005 | \$55,000 | 85.46% | |
| 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% | |
| TOTAL STREET REVENUES | \$174,547 | \$1,052,500 | 16.58% | |
| STREET EXPENSES | | | | |
| ENGINEERING (6093; 6095; 6097; 6090) | \$35,660 | \$65,000 | 147.17% | *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) | \$241,015 | \$225,000 | 107.12% | |
| 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) | \$35,672 | \$60,000 | 59.45% | |
| STREET LIGHTING (6270) | \$33,162 | \$60,000 | 55.27% | |
| PAYROLL TAXES - GEN GOV/STREETS (6560) | \$2,388 | \$4,039 | 59.13% | |
| 156TH STREET IMPROVEMENT (6256) | \$7,494 | \$800,000 | 0.94% | |
| LOGEMANN PARK (6266) | \$38,240 | \$95,000 | 103.41% | |
| EQUIPMENT (8918) | \$11,789 | \$30,000 | 39.30% | |
| GAS & OIL (8928) | \$1,092 | \$3,500 | 31.20% | |
| HEALTH INS (8932) | \$4,645 | \$7,039 | 65.98% | |
| MILEAGE (8935) | \$600 | \$600 | 99.96% | |
| GENERAL REPAIRS & MAINTENANCE (8950) | \$3,426 | \$15,000 | 22.84% | |
| SUPPLIES (8978) | \$3,863 | \$4,000 | 96.58% | |
| TELEPHONE (8980) | \$647 | \$800 | 80.88% | |
| RETIREMENT PLAN CONTRIBUTIONS (8981) | \$533 | \$1,600 | 33.32% | |
| UTILITIES (8982) | \$1,756 | \$2,200 | 79.83% | |
| SALARIES (9370) | \$30,242 | \$52,000 | 58.16% | |
| PARK AND RECREATION OTHER (8900) | \$219 | \$0 | #DIV/0! | |
| MILEAGE (9265) **ERROR ON CODE// | | | | |
| TOTAL STREET EXPENDITURES | \$582,176 | \$1,430,778 | 40.69% | |
| Street Fund Revenues \$174,547 minus Street Expenditures \$582,176 (\$407,629) | | | | |

CITY OF BENNINGTON
SEWER REPLACEMENT FUND BUDGET VS ACTUAL
THRU 4/3/20
 (GOAL 58%)

| | ACTUALS 4/30/2020 | PLANNED BUDGET 10/31/2019 | % OF BUDGET | COMMENTS/ UNPLANNED EXPENSE/COST SAVING |
|--|----------------------|---------------------------------|----------------|--|
| SEWER REVENUES | | | | |
| SEWER CONNECT PERMIT FEES (5206) | \$41,666 | \$35,000 | 119.04% | |
| SEWER RECEIPTS (5208) | \$229,254 | \$355,000 | 64.58% | |
| SEWER BAN PROCEEDS *MOLLY STREET* (5203) 77% | | | 0.00% | |
| SEWER NOTE PROCEEDS BALL FIELD SEWER IMP. (5504) | | | 0.00% | |
| SEWER BOND PROCEEDS 2018 BENN PARK W. (5505) | | | 0.00% | * |
| TOTAL SEWER REVENUES | \$270,919 | \$390,000 | 69.47% | |
| SEWER EXPENSES | | | | |
| ENGINEERING (6090) | \$75,000 | \$5,000 | 1500.00% | *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. |
| REPAIRS & MAINTENANCE (6110) | \$0 | \$2,000 | 0.00% | |
| LEGAL (6140) | \$0 | \$0 | #DIV/0! | |
| MISCELLANEOUS (6150) | \$0 | | #DIV/0! | |
| SEWER CONNECTIONS (6210) | \$28,801 | \$30,000 | 96.00% | |
| SEWER CITY OF OMAHA (6215) | \$91,649 | \$225,000 | 40.73% | |
| PEOPLE SERVICES (6220) | \$8,225 | \$14,520 | 56.65% | |
| LOCATES (6250) | \$435 | \$450 | 96.62% | |
| SEWER REPAIRS & MAINTENANCE (8950) | | | #DIV/0! | |
| REPAIRS & MAINTENANCE (8950) | \$1,363 | \$0 | #DIV/0! | |
| CAPITAL IMPROVEMENT BENN PARK WEST 74% & PRAIRIE HOLLOW 26% (6095) | | | #DIV/0! | |
| Capit Improv Lockbox (1/3 of total) | | | #DIV/0! | |
| Transfer from Sewer to General | \$0 | \$58,250 | 0.00% | |
| TOTAL SEWER EXPENDITURES | \$205,472 | \$335,220 | 61.29% | |
| Sewer Rev \$270,919 minus Sewer Exp \$205,472 = | \$65,447 | | | |

ITEM #2 Consent Agenda

City of Bennington
City Council Meeting Minutes
Monday, April 13, 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, April 13, 2020 at 6:30 p.m. In attendance were City Council members Kaye Bridgeford, Zac Johns, Shane Pekny and Jody Stier (6:45 p.m. arrival). City Clerk Mindi Laaker identified the Open Meetings Act location that is available to the public.

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

BILLS PAID IN MARCH
CITY

| | |
|---------------------------------|-----------|
| NEBRASKA DEPARTMENT OF REVENUE | 1,119.68 |
| EDWARD JONES | 1,011.11 |
| U.S. DEPT OF TREASURY | 3,343.50 |
| MINDI LAAKER | 1,390.86 |
| JENNIFER RAUSCHER | 328.89 |
| BERGANKDV | 10,000.00 |
| MUD | 62.10 |
| BANK OF BENNINGTON | 17,046.25 |
| ROBERT ZARUBA | 229.90 |
| COX | 163.60 |
| GREAT AMERICA FINANCIAL SERVICE | 116.13 |
| JEO CONSULTING, INC. | 6,230.00 |
| OLD REPUBLIC SURETY GROUP | 100.00 |
| PRESTO-X | 10.50 |

| | |
|----------------------------------|------------------|
| YOUNG & WHITE LAW OFFICES | 1,873.40 |
| POSTMASTER | 110.00 |
| EDWARD JONES | 993.37 |
| U.S. DEPT OF TREASURY | 3,336.70 |
| MINDI LAAKER | 1,390.84 |
| JENNIFER RAUSCHER | 313.56 |
| BERGANKDV | 1,244.00 |
| OPPD | 351.96 |
| DOUGLAS COUNTY REGISTER OF DEEDS | 28.00 |
| BANK OF BENNINGTON | 5,275.75 |
| DOUGLAS COUNTY POST GAZETTE | 134.75 |
| FILTER SHOP | 3.63 |
| PLIC -GRAND ISLAND | 39.81 |
| RELIANCE STANDARD | 116.24 |
| UHS PREMIUM BILLING | 1,139.22 |
| RURAL FIRE DEPARTMENT | 32,500.00 |
| U.S. DEPT OF TREASURY | 3,431.10 |
| CITY TOTAL | 93,434.85 |

KENO

| | |
|----------------------------------|--------|
| <i>Nebraska Dept. of Revenue</i> | 100.00 |
|----------------------------------|--------|

SEWER

| | |
|-----------------------|------------------|
| CITY OF OMAHA CASHIER | 17,269.59 |
| ONE CALL CONCEPTS | 46.53 |
| PEOPLE SERVICE | 1,175.00 |
| SEWER TOTAL | 18,491.12 |

LIBRARY

| | |
|--------------------------------|-----------------|
| LYNN BARNA | 73.64 |
| DALENE CLARK | 491.78 |
| LISA FLAXBEARD | 1,215.67 |
| JOANNE MANCUSO | 492.95 |
| SAM'S CLUB/SYNCHRONY BANK | 69.92 |
| MUD | 98.00 |
| ALL MAKES OFFICE EQUIPMENT CO. | 99.70 |
| BAKER & TAYLOR BOOKS | 25.81 |
| COX BUSINESS SREVICES | 180.00 |
| PRESTO-X | 21.00 |
| SAM'S CLUB MC/SYNCHRONY BANK | 125.00 |
| JESSICA ROWE-DESILVA | 100.00 |
| LYNN BARNA | 322.52 |
| DALENE CLARK | 235.22 |
| LISA FLAXBEARD | 1,215.66 |
| JOANNE MANCUSO | 389.43 |
| OPPD | 138.60 |
| AMAZON CREDIT PLAN | 313.26 |
| FILTER SHOP | 18.07 |
| PLIC -SBD GRAND ISLAND | 39.81 |
| RELIANCE STANDARD | 103.30 |
| UHS PREMIUM BILLING | 1,097.75 |
| LIBRARY TOTAL | 6,867.09 |
| <u>POLICE</u> | |
| SHEA DEGAN | 133.54 |
| ANDREW HILSCHER | 2,152.15 |

| | |
|----------------------------|------------------|
| TRAVIS HERBOLSHEIMER | 1,352.38 |
| DONALD MCGUIRE | 160.24 |
| DANIEL STOCKER | 1,543.38 |
| COX BUSIESS SERVICES | 138.99 |
| MODERN MARKETING | 70.30 |
| MUD | 273.90 |
| VERIZON | 251.35 |
| CULLIGAN OF OMAHA | 11.00 |
| DIGITAL ALLY | 11,856.00 |
| PRESTO-X | 37.00 |
| SHEA DEGAN | 106.83 |
| TRAVIS HERBOLSHEIMER | 1,352.38 |
| ANDREW HILSCHER | 2,152.16 |
| DONALD MCGUIRE | 129.10 |
| MARK SUNDERMEIER | 97.93 |
| DANIEL STOCKER | 1,438.83 |
| CUBBY'S | 492.73 |
| GREAT PLAINS UNIFORMS LLC. | 65.00 |
| OPPD | 463.16 |
| FILTER SHOP | 3.23 |
| PLIC -SBD | 270.68 |
| RELIANCE STANDARD | 182.29 |
| UHS PREMIUM BILLING | 3,875.54 |
| POLICE TOTAL | 28,610.09 |
| <u>PARKS</u> | |
| JOHN BOHRER | 901.17 |

| | |
|----------------------------|------------------|
| NATHAN JOHNSON | 523.08 |
| STUART ELLISON | 58.87 |
| JOHN BOHRER | 40.31 |
| HOME DEPOT CREDIT SERVICES | 167.72 |
| MUD | 160.10 |
| VERIZON | 21.71 |
| ARBOR DAY FOUNDATION | 15.00 |
| CULLIGAN OF OMAHA | 5.50 |
| PRESTO-X | 5.25 |
| CUBBY'S | 83.61 |
| JOHN BOHRER | 921.30 |
| STUART ELLISON | 255.10 |
| JACOB HYTREK | 105.54 |
| NATHAN JOHNSON | 597.08 |
| OPPD | 478.43 |
| NATHAN JOHNSON | 10.70 |
| H & R CONSTRUCTION | 4,215.47 |
| LOVELAND GRASS PAD | 1,625.90 |
| MENARDS | 17.27 |
| PLIC -SBD | 39.81 |
| RELIANCE STANDARD | 142.98 |
| UHS PREMIUM BILLING | 675.79 |
| PARKS TOTAL | 11,067.69 |

STREETS

| | |
|----------------------------|--------|
| JOHN BOHRER | 40.32 |
| HOME DEPOT CREDIT SERVICES | 167.72 |

| | |
|-----------------------------|-------------------|
| MICHAEL TODD & COMPANY | 182.14 |
| MUD | 144.90 |
| VERIZON | 21.70 |
| CULLIGAN OF OMAHA | 5.50 |
| JEO CONSULTING, INC. | 3,528.75 |
| PRESTO-X | 5.25 |
| YOUNG & WHITE LAW OFFICES | 363.05 |
| CUBBY'S | 20.91 |
| DJL PROPERTIES, LLC. | 2,072.00 |
| OPPD | 4,867.91 |
| NATHAN JOHNSON | 10.69 |
| CLEAN SWEEP COMMERCIAL INC. | 2,337.50 |
| MENARDS | 17.26 |
| UHS PREMIUM BILLING | 675.79 |
| STREETS TOTAL | 14,461.39 |
| | |
| CITY | 93,434.85 |
| SEWER | 18,491.12 |
| LIBRARY | 6,867.09 |
| POLICE | 28,610.09 |
| PARKS | 11,067.69 |
| STREETS | 14,461.39 |
| | |
| TOTAL OF ALL BILLS | 172,932.23 |

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

Application to keep Chickens located at 306 N. Stark St. – Sterling Fox

Motion by Bridgeford, second by Pekny to approve chickens and no roosters and compliance with all other applicable requirements for a building permit and setbacks. All voted in favor (Stier absent) 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 – Update and Discussion

Motion by John, second by Johns to table Ordinance No. 486 for reconsideration by the Planning Commission. All voted in favor (Stier absent) and the motion carried.

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

Motion by John, second by Bridgeford to table a decision regarding purchasing property. All voted in favor and the motion carried.

Bennington 156th Street Project

A. John Trecek with Ameritas explained the Ordinance providing for Highway Allocation Fund Pledge Bonds in the amount of \$1,450,000.

Motion by Pekny, second by Johns to introduce and waive three readings of Ordinance No. 489 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. All voted in favor and the motion carried.

City Clerk Mindi Laaker read the Ordinance by title.

Motion by Bridgeford, second by Pekny to approve and adopt Ordinance No. 489. All voted in favor and the motion carried.

B. Final Environmental Invoice No. 1200248959 to HDR for \$7,493.52

C. Invoice No. 115510 to JEO Consulting Group for \$1,000.00

Motion by Johns, second by Pekny to approve payment of Items B-C listed above. All voted in favor and the motion carried.

D. Project Tracker for 156th Street

A preconstruction conference call is scheduled for April 16. A project schedule has been requested in preparation for the transmittal of information to the public and other community agencies.

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

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

Bennington General Engineering

Motion by Pekny, second by Bridgeford to approve Invoice No. 115511 to JEO Consulting Group for \$6,045.00. All voted in favor and the motion carried.

Library, Police, Public Works, and Project Tracker Reports

All monthly reports are on file in the City Office.

Adjourn

Motion by Bridgeford, second by Pekny to adjourn the meeting at 7:42 p.m.

BILLS PAID IN APRIL**CITY**

| | | | |
|-------|---------------------------------|--------------|---------------|
| AUTO | EDWARD JONES | 1,291.64 | |
| DD | MINDI LAAKER | 1,390.85 | GROSS 2079.32 |
| DD | JENNIFER RAUSCHER | 387.70 | GROSS 494.15 |
| 18141 | OFFICE DEPOT | 325.98 | |
| 18147 | MUD | 62.10 | |
| 18151 | COX BUSINESS SERVICES | 89.16 | |
| 18155 | GREAT AMERICA FINANCIAL SERVICE | 75.35 | |
| 18158 | PRESTO-X | 10.50 | |
| AUTO | NEBRASKA WORKFORCE DEVELOPMENT | 323.63 | |
| AUTO | NEBRASKA DEPT OF REVENUE | 957.05 | |
| AUTO | EDWARD JONES | 1,291.92 | |
| AUTO | U.S. DEPT OF TREASURY | 3,561.80 | |
| DD | MINDI LAAKER | 1,390.84 | GROSS 2079.32 |
| DD | JENNIFER RAUSCHER | 439.59 | GROSS 562.45 |
| 18161 | BANK OF BENNINGTON | 1,222,803.56 | |
| 18164 | COX BUSINESS SERVICES | 75.60 | |
| 18168 | HDR | 7,493.52 | |
| 18169 | INSPRO INC | 3,900.00 | |
| 18170 | JEO CONSULTING | 6,045.00 | |
| 18171 | OLD REPUBLIC SURETY GROUP | 100.00 | |
| 18173 | YOUNG & WHITE LAW OFFICES | 5,080.80 | |
| 18177 | DOUGLAS COUNTY TREASURER | 30.00 | |
| 18181 | DOUGLAS COUNTY POST GAZETTE | 134.75 | |
| 18185 | UHS PREMIUM BILLING | 1,141.27 | |
| 18186 | OPPD | 349.84 | |
| AUTO | EDWARD JONES | 1,260.11 | |
| AUTO | U.S. DEPT OF TREASURY | 3,865.74 | |
| DD | MINDI LAAKER | 1,468.00 | GROSS 2079.32 |
| DD | JENNIFER RAUSCHER | 475.17 | GROSS 610.66 |
| 18187 | DESIGN 4 | 185.00 | |
| 18190 | PLIC -SBD GRAND ISLAND | 39.81 | |
| 18191 | OFFICE DEPOT | 77.38 | |
| 18192 | RELIANCE STANDARD | 116.24 | |

CITY TOTAL**1,266,239.90****SEWER**

| | | | |
|-------|-----------------------|-----------|--|
| 18163 | CITY OF OMAHA CASHIER | 18,418.12 | |
| 18174 | SID 544 | 947.00 | |
| 18175 | CITY OF OMAHA | 10,384.00 | |
| 18183 | ONE CALL CONCEPTS | 86.49 | |
| 18184 | PEOPLE SERVICE | 1,175.00 | |

SEWER TOTAL**31,010.61**

LIBRARY

| | | | |
|-------|----------------------------------|----------|---------------|
| DD | LYNN BARNA | 289.51 | GROSS 313.50 |
| DD | DALENE CLARK | 312.59 | GROSS 351.58 |
| DD | LISA FLAXBEARD | 1,215.67 | GROSS 1753.29 |
| DD | JOANNE MANCUSO | 431.74 | GROSS 533.21 |
| 18133 | COX BUSINESS SERVICES | 75.32 | |
| 18138 | INGRAM | 235.92 | |
| 18131 | BAKER & TAYLOR BOOKS | 501.16 | |
| 18141 | OFFICE DEPT | 90.18 | |
| 18147 | MUD | 144.90 | |
| 18148 | PETTY CASH | 100.00 | |
| 18149 | ALL MAKES OFFICE EQUIPMENT CO. | 126.47 | |
| 18150 | COAST TO COAST COMPUTER PRODUCTS | 69.99 | |
| 18156 | MENARDS | 14.95 | |
| 18158 | PRESTO-X | 21.00 | |
| 18159 | SAM'S CLUB MC/SYNCB | 119.00 | |
| DD | LYNN BARNA | 81.28 | GROSS 88.00 |
| DD | DALENE CLARK | 555.03 | GROSS 651.70 |
| DD | LISA FLAXBEARD | 1,215.67 | GROSS 1753.29 |
| DD | JOANNE MANCUSO | 375.59 | GROSS 460.02 |
| 18164 | COX BUSINESS SERVICES | 180.00 | |
| 18166 | DESIGN 4 | 30.00 | |
| 18167 | FINDAWAY WORLD, LLC. | 19.99 | |
| 18179 | AMAZON CREDIT PLAN | 181.25 | |
| 18185 | UHS PREMIUM BILLING | 1,097.75 | |
| 18186 | OPPD | 138.60 | |
| AUTO | LIBRARY | 81.26 | |
| DD | DALENE CLARK | 297.65 | GROSS 334.43 |
| DD | HEIDI CURZON | 227.53 | GROSS 246.38 |
| DD | LISA FLAXBEARD | 1,288.36 | GROSS 1753.29 |
| DD | JOANNE MANCUSO | 183.68 | GROSS 223.04 |
| 18188 | COX BUSINESS SERVICES | 74.26 | |
| 18190 | PLIC -SBD GRAND ISLAND | 39.81 | |
| 18192 | RELIANCE STANDARD | 103.30 | |

LIBRARY TOTAL**9,919.41**

POLICE

| | | | |
|-------|----------------------------|----------|---------------|
| DD | SHEA DEGAN | 106.83 | GROSS 115.68 |
| DD | TRAVIS HERBOLSHEIMER | 1,352.38 | GROSS 1760.00 |
| DD | ANDREW HILSCHER | 2,035.22 | GROSS 2954.91 |
| DD | DONALD MCGUIRE | 106.82 | GROSS 115.68 |
| DD | DANIEL STOCKER | 1,568.38 | GROSS 2275.00 |
| DD | CDW GOVERNMENT | 2,035.29 | |
| 18133 | COX BUSINESS SERVICES | 142.56 | |
| 18134 | DIGITAL ALLY | 209.72 | |
| 18135 | GREAT PLAINS UNIFORMS LLC. | 831.30 | |
| 18137 | HOME DEPOT CREDIT SERVICES | 25.84 | |
| 18142 | TY EBEL | 1,250.00 | |
| 18145 | VERIZON | 250.36 | |
| 18146 | BENNINGTON AUTO BODY | 1,129.71 | |
| 18147 | MUD | 144.90 | |
| 18152 | CULLIGAN OF OMAHA | 11.00 | |
| 18157 | MUD | 37.94 | |
| 18158 | PRESTO-X | 37.00 | |
| 18160 | CUBBY'S | 495.50 | |
| DD | TRAVIS HERBOLSHEIMER | 1,352.38 | GROSS 1760.00 |
| DD | ANDREW HILSCHER | 2,027.24 | GROSS 2942.31 |
| DD | DONALD MCGUIRE | 129.09 | GROSS 139.78 |
| DD | DANIEL STOCKER | 1,635.44 | GROSS 2366.00 |
| DD | MARK SUNDERMEIER | 97.93 | GROSS 106.04 |
| 18162 | BENNINGTON AUTO BODY | 361.66 | |
| 18165 | DELL | 4,126.30 | |
| 18176 | TRAVIS M HERBOLSHEIMER | 466.00 | |
| 18182 | OFFICE DEPOT | 1.45 | |
| 18185 | UHS PREMIUM BILLING | 3,874.49 | |
| 18186 | OPPD | 296.49 | |
| DD | TRAVIS HERBOLSHEIMER | 1,366.34 | GROSS 1782.00 |
| DD | ANDREW HILSCHER | 2,027.25 | GROSS 2942.31 |
| DD | DONALD MCGUIRE | 129.09 | GROSS 139.78 |
| DD | DANIEL STOCKER | 1,579.39 | GROSS 2289.00 |
| DD | MARK SUNDERMEIER | 119.82 | GROSS 130.14 |
| 18190 | PLIC -SBD GRAND ISLAND | 270.68 | |
| 18192 | RELIANCE STANDARD | 182.29 | |
| 18193 | VERIZON | 250.34 | |

POLICE TOTAL**32,064.42**

| <u>PARKS</u> | | | |
|---------------------|----------------------------|------------------|---|
| DD | JOHN BOHRER | 1,001.79 | GROSS PARKS 583.30 GROSS STREETS 1166.59 |
| DD | STUART ELLISON | 105.98 | GROSS PARKS 86.36 GROSS STREETS 36.36 |
| DD | JACOB HYTREK | 272.38 | GROSS PARKS 122.08 GROSS STREETS 197.41 |
| DD | NATHAN JOHNSON | 619.93 | GROSS PARKS 384.25 GROSS STREETS 351.63 |
| 18133 | COX BUSINESS SERVICES | 31.94 | |
| 18136 | MENARDS | 159.99 | |
| 18137 | HOME DEPOT CREDIT SERVICES | 81.14 | |
| 18139 | LITTLE ENGINES | 686.35 | |
| 18144 | ELLEN DAHLSTET | 389.77 | |
| 18145 | VERIZON | 21.71 | |
| 18147 | MUD | 160.10 | |
| 18152 | CULLIGAN OF OMAHA | 5.50 | |
| 18154 | FAST SIGNS | 430.74 | |
| 18156 | MENARDS | 309.45 | |
| 18158 | PRESTO-X | 5.25 | |
| 18160 | CUBBY'S | 97.68 | |
| DD | JOHN BOHRER | 932.80 | GROSS PARKS 1086.83 GROSS STREETS 663.06 |
| DD | NATHAN JOHNSON | 605.77 | GROSS PARKS 377.00 GROSS STREETS 340.75 |
| DD | JACOB HYTREK | 468.63 | GROSS PARKS 262.35 GROSS STREETS 306.51 |
| DD | MEADE LAAKER | 206.86 | GROSS PARKS 96.00 GROSS STREETS 128.00 |
| 18172 | SHERMAN PLUMBING | 350.65 | |
| 18178 | JOHN BOHRER | 350.76 | |
| 18185 | UHS PREMIUM BILLING | 675.79 | |
| 18186 | OPPD | 463.50 | |
| DD | JOHN BOHRER | 1,033.21 | GROSS PARKS 1028.53 GROSS STREETS 721.36 |
| DD | STUART ELLISON | 145.21 | GROSS PARKS 81.81 GROSS STREETS 86.36 |
| DD | JACOB HYTREK | 661.46 | GROSS PARKS 486.61 GROSS STREETS 336.01 |
| DD | NATHAN JOHNSON | 742.97 | GROSS PARKS 467.63 GROSS STREETS 431.38 |
| DD | MEADE LAAKER | 900.13 | GROSS PARKS 1004.00 GROSS STREETS 900.13 |
| 18188 | COX BUSINESS SERVICES | 31.94 | |
| 18190 | PLIC -SBD GRAND ISLAND | 39.81 | |
| 18192 | RELIANCE STANDARD | 142.98 | |
| 18193 | VERIZON | 21.64 | |
| | PARKS TOTAL | 12,153.81 | |

STREETS

| | | |
|-------|---------------------------------------|----------|
| 18133 | COX BUSINESS SERVICES | 31.95 |
| 18137 | HOME DEPOT CREDIT SERVICES | 81.14 |
| 18139 | LITTLE ENGINES | 171.57 |
| 18140 | NEBRASKA DEPARTMENT OF TRANSPORTATION | 3,298.40 |
| 18143 | UNIQUE PAVING MATERIALS CORP. | 1,288.00 |
| 18145 | VERIZON | 21.70 |
| 18147 | MUD | 98.00 |
| 18152 | CULLIGAN OF OMAHA | 5.50 |
| 18153 | DJL PROPERTIES, LLC. | 3,968.00 |
| 18156 | MENARDS | 198.59 |
| 18158 | PRESTO-X | 5.25 |
| 18160 | CUBBY'S | 215.20 |
| 18170 | JEO CONSULTING, INC. | 1,000.00 |
| 18178 | JOHN BOHRER | 209.55 |
| 18180 | BARCO MUNICIPAL PRODUCTS INC | 651.00 |
| 18185 | UHS PREMIUM BILLING | 675.79 |
| 18186 | OPPD | 4,812.82 |
| 18188 | COX BUSINESS SERVICES | 31.95 |
| 18189 | KNUDSEN OIL & FEED | 42.66 |
| 18193 | VERIZON | 21.64 |

STREETS TOTAL **16,828.71**

| | |
|---------------------------|---------------------|
| CITY | 1,266,239.90 |
| SEWER | 31,010.61 |
| LIBRARY | 9,919.41 |
| POLICE | 32,064.42 |
| PARKS | 12,153.81 |
| STREETS | 16,828.71 |
| TOTAL OF ALL BILLS | 1,368,216.86 |



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Matt John , Mayor of the City of
 Bennington , do hereby proclaim
 May 12, 2020 as

Arbor Day

In the City of Bennington , and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 11th day of May, 2020
Mayor [Signature]

ITEM #3 Prairie Hollow Reimbursement



May 1, 2020

Matt John, Mayor
City of Bennington
15505 Warehouse Street, PO Box 221
Bennington, NE 68007

RE: Bennington, Nebraska
Prairie Hollow subdivision – Reimbursement Request Review
JEO Project No. 090034.03

Dear Mayor and City Council:

JEO Consulting Group has received a request for reimbursement to the Developer by the City for the above referenced subdivision. The attached letter from Mark Westergard at E&A provides a detailed summary of the change (second paragraph) and why it was completed. The original design for this subdivision included a lift station, that would ultimately be owned and operated by the City. During discussions with the Developer's engineer, an alternative design that extended the gravity sewer southerly and moved the aerial crossing to a new location south of the existing aerial crossing would eliminate the need for a lift station. By eliminating the need for a lift station in this area, the City is saving the on-going operation and maintenance costs of the lift station. Thus, it was estimated that the additional costs to the City at this time would be significantly less than the cumulation of the on-going costs of a new lift station.

The request for additional cost sharing is related to the oversized sanitary sewer and relocation of the aerial crossing. The City, by the approved subdivision agreement is responsible for the additional costs in oversizing of the sanitary sewer for the section of 15" pipe from the existing crossing to the new crossing. The developer is proposing to split the cost on the aerial crossing, providing the City with a credit for the value of the materials salvaged (steel casing pipe) from the existing crossing for re-use. The attached letter from E&A outlines the costs of the structure and the credit provided to the city. The cost to the City is \$22,429.51 for reimbursement to the Developer.

If you have any questions, comments, or concerns with any of the statements, please feel free to contact Tyler Hevlin at 402.443.7443 or myself at 402.443.7483.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Ogden', is written over a light blue horizontal line.

Julie Ogden, PE
Project Engineer

Pc: Jeff Miller, Young and White Law Offices, 8742 Frederick Street, Omaha, NE 68124
Mark Westergard, E&A, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154
Ryan Schwarz, Berkshire-Hathaway Real Estate, 331 Village Point Plaza, Omaha NE 68118



E & A CONSULTING GROUP, INC.

Engineering Answers

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950
P: 402.895.4700 • F: 402.895.3599
www.eacg.com

Mr. Tyler Hevlin
JEO Consulting
11717 Burt Street, Suite 210
Omaha, NE 68154

Re: Prairie Hollow Sanitary Sewer
E&A File P2017.463.001

Dear Tyler,

This letter is a request for cost sharing by the City of Bennington for some construction modifications to the originally contemplated sanitary sewer system for Prairie Hollow. The changes resulted from collaboration between JEO as the City Engineer and E & A Consulting as the developer's engineer. The changes benefit both the residents of the subdivision and the City of Bennington and during the sanitary sewer design process, as these changes evolved, the sharing of costs was discussed between the engineering firms but left as something that would be finalized at a later date as the subdivision agreement was already in final form.

BACKGROUND

There is an existing 15" sanitary sewer that serves the northern half of the subdivision which turned east to an aerial crossing of the creek and continues down the east side of the creek to the south. When the plat for Prairie Hollow was being considered and approved the sanitary exhibits contemplated the use of ejector pumps at a number of residences in the southern portion of the subdivision as the lots were unable to be served with gravity sewer due to the depth of the 15" sewer. Ejector pumps, while being an acceptable solution, added both capital costs and maintenance costs for potential homeowners. In this same time frame a single sanitary pumping station for the subdivision in lieu of multiple, individual home ejector pumps was also considered. Again, while being a viable solution, it would create significant maintenance costs for the City as Prairie Hollow is within the corporate limits and the lift station would be owned and operated by the City. At this point, JEO suggested the alternative of extending the 15" gravity sewer south, eliminating the existing aerial creek crossing and constructing a new aerial creek crossing. E&A evaluated the suggestion and determined it to be feasible and that all lots in the subdivision would be able to be served via gravity. The additional costs to the developer for a significant 15' sewer extension and a new aerial creek crossing were acknowledged at this time but as stated previously details of specific cost sharing were not identified at that time.

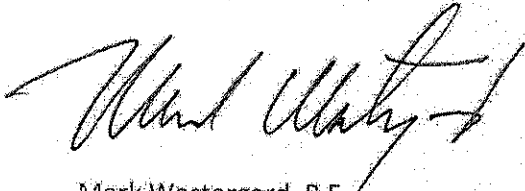
PROPOSAL

The final sanitary sewer improvements provide long term benefits to the developer, the residents of the subdivision and the City of Bennington justifying the sharing of incremental costs. The proposed cost sharing is for the City of Bennington to pay for the difference in cost between the 15" sewer and an 8" sewer and to also pay one-half of the cost of the new aerial creek crossing less a credit for re-use of the casing pipe from the existing crossing. From the contractor's pay estimate (copy attached) the details costs are as follows:

| | | |
|-------------------------------|----------------------------------|---------------------|
| Oversized 15" | 969 L.F. x (\$42.50 - \$29.00) = | \$13,081.51 |
| Aerial Crossing | 1 Each at \$21,320 x 50% = | \$10,660.00 |
| Less Credit for Casing Pipe = | | <u>\$(1,312.00)</u> |
| Total | | \$22,429.51 |

Please review this proposal and if acceptable place on the City Council agenda for consideration. Thank you.

Sincerely,
E & A Consulting Group, Inc.



Mark Westergard, P.E.

Cc: Jeff Miller, City Attorney
Julie Ogden, JEO
Ryan Schwarz, Developer

RECEIVED

APR 20 2020

JEO CONSULTING GROUP, INC.



E & A CONSULTING GROUP, INC.

Engineering Answers

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950

P 402.895.4700 • F 402.895.3599

www.eacg.com

February 27, 2020

Smart Development, LLC
Via E-mail

RE: Pay Estimate No. 6 - Prairie Hollow
Grading, Sanitary Sewer & Storm Sewer - Section I
Sean Negus Construction
E & A #P2017.463.001

Ryan,

We certify that to the best of our knowledge, Sean Negus Construction, has satisfactorily completed the below-itemized quantities of work under their construction contract for Grading, Sanitary and Storm Sewer Section I, and we recommend payment to them in the amount shown:

| BID ITEM NO | DESCRIPTION | BID QUANTITY | QUANTITY TO DATE | UNIT | UNIT PRICE | AMOUNT |
|--|--|-----------------|---------------------|------|---------------|------------|
| STORM SEWER - \$159,269.50 | | | | | | |
| 1. | CONSTRUCT 15" RCP, CLASS III | 62.00 | 62.00 | LF | 39.75 | 2,464.50 |
| 2. | CONSTRUCT 16" RCP, CLASS III | 517.00 | 517.00 | LF | 51.00 | 26,367.00 |
| 3. | CONSTRUCT 24" RCP, CLASS III | 405.00 | 405.00 | LF | 56.60 | 22,882.50 |
| 4. | CONSTRUCT 30" RCP, CLASS III | 354.00 | 354.00 | LF | 84.75 | 30,001.50 |
| 5. | AREA INLET TYPE II | 3.00 | 2.00 | EA | 3,300.00 | 6,600.00 |
| 6. | CONSTRUCT 18" RCP FLARED END SECTION | 1.00 | 1.00 | EA | 1,950.00 | 1,950.00 |
| 7. | CONSTRUCT 24" RCP FLARED END SECTION | 2.00 | 2.00 | EA | 2,100.00 | 4,200.00 |
| 8. | CONSTRUCT 30" RCP FLARED END SECTION | 1.00 | 1.00 | EA | 2,500.00 | 2,500.00 |
| 9. | CONSTRUCT 54" I.D. STORM SEWER MANHOLE (1#) | 7.00 | 7.00 | VF | 445.00 | 3,115.00 |
| 10. | CONSTRUCT 24" CONCRETE COLLAR | 1.00 | 1.00 | EA | 300.00 | 300.00 |
| 11. | ROCK RIP RAP | 21.00 | 0.00 | TN | 90.00 | 0.00 |
| 12. | CONSTRUCT CURB INLET TYPE I | 14.00 | 14.00 | EA | 3,850.00 | 53,900.00 |
| SANITARY SEWER - \$229,905.00 | | | | | | |
| 13. | CONSTRUCT 6" SANITARY SEWER PIPE | 3,429.00 | 3,429.00 | LF | 25.50 | 87,439.50 |
| 14. | CONSTRUCT 8" SANITARY SEWER PIPE | 692.00 | 692.00 | LF | 29.00 | 20,068.00 |
| 15. | CONSTRUCT 12" SANITARY SEWER PIPE | 969.00 | 969.00 | LF | 42.50 | 41,182.50 |
| 16. | CONSTRUCT 54" I.D. SANITARY SEWER MANHOLE (6#) | 111.00 | 111.00 | VF | 445.00 | 49,395.00 |
| 17. | TAP EXISTING SANITARY MANHOLE | 2.00 | 2.00 | EA | 750.00 | 1,500.00 |
| 18. | AERIAL CROSSING | 1.00 | 1.00 | EA | 21,320.00 | 21,320.00 |
| GRADING - LUMP SUM \$179,161.97 | | | | | | |
| 19. | CLEARING AND GRUBBING | 1.00 | 0.9721 | CS | 179,161.97 | 174,163.35 |
| 20. | REMOVING TOPSOIL | 1.00 | | | | |
| 21. | EXCAVATION ESTABLISHED QUANTITY | 7,514.00 | | | | |
| 22. | REPLACE TOPSOIL ESTABLISHED QUANTITY | 45,136.00 | | | | |
| 23. | INSTALL SILT FENCE | 7,514.00 | | | | |
| 24. | INSTALL EROSION CONTROL MATTING TYPE S150 | 2,865.00 | | | | |
| 25. | CONSTRUCT SEDIMENT BASIN A1, A2, B | -8,966.00 | | | | |
| 26. | CONSTRUCT ENERGY DISSIPATERS 1, 2 | | | | | |
| 27. | SEEDING | 10.00 | | | | |
| 28. | SODDING | 1,224.00 | | | | |
| 29. | REMOVE AND REPLACE CHAIN LINK FENCE | 60.00 | | | | |
| EXTRAS | | | | | | |
| A. | REMOVE AND DISPOSE OF EXISTING PIPE, (CO#1) | 0.00 | 1.0000 | LS | 2,075.00 | 2,075.00 |
| B. | TREE REMOVAL AND BURN, (CO#1) | 0.00 | 0.6667 | LS | 7,500.00 | 5,000.00 |
| C. | MOVE INLET LOCATION, (CO#1) | 0.00 | 1.00 | LS | 1,450.00 | 1,450.00 |
| D. | CHANGE IN INLET PLAN, 2ND & ALLAN, (CO#1) | 0.00 | 1.00 | LS | 1,975.00 | 1,975.00 |
| E. | DEDUCTION FOR FAILED TESTS, (CO#1) | 0.00 | 1.00 | LS | -5,803.00 | -5,803.00 |
| F. | FORM & POUR CURB INLET THROATS, (CO#1) | 0.00 | 14.00 | LS | 1,131.43 | 15,840.00 |
| G. | EXTRA DIRT, GUTTER BUDDIES & H PILE, (CO#2) | 0.00 | 1.00 | LS | 12,458.90 | 12,458.90 |
| H. | EROSION CONTROL MATTING, (CO#3) | 0.00 | 5,990.00 | SY | 1.63 | 9,763.70 |

TOTAL AMOUNT EARNED TO DATE \$592,108.45
 AMOUNT PAID CONTRACTOR, EST. #1 - 5 \$526,422.31
 0% RETAINED \$0.00
 AMOUNT DUE CONTRACTOR, EST. #6 \$65,686.14

We certify that to the best of our knowledge, the above quantities are correct and the amount of \$65,686.14 is due Sean Negus Construction

Very truly yours,

E & A CONSULTING GROUP, INC.

Randall L. Pierce, P.E.
Construction Engineer

cc: Sean Negus Construction

**ITEM #4 June 6 Car Show
Application**

STREET CLOSING OR EVENT PERMIT APPLICATION

1. Name of event/activity Car Show

2. Date(s) of event: June 6

3. Description of event: Community Car Show

4. Name of entity and/or person requesting permit: Bennington Chamber of Commerce

5. Phone number & name of contact person: Zac Johns 402-719-0731

6. Event Location: Main St. or Cruise if social distancing is an issue
(be specific-include location of sidewalks or streets upon which the event will be held)

7. Will event need street(s) closed? yes

8. If street(s) need to be closed, what is the purpose of the closing? to allow for safe viewing of cars and parking

9. If street(s) need to be closed, which streets? Main St.

10. Hours of the event or street closing: 8am - 2pm

11. Estimated number of people attending the event: _____

12. Parking accommodations/needs: Stark St. Molley St.

13. Describe the sanitation and other health facilities that will be available to persons attending the event: first aid station, Portable toilets, Trash

14. If street closing is necessary, event owner will need to secure barricades-notify City Office (238-2375) when this is completed: _____
(Date City Office Notified)

15. It is the event owner's responsibility to notify adjacent property owners and secure their approval. Notify City Office (238-2375) when this is complete: _____
(Date City Office Notified)

16. A Certificate of Liability Insurance naming the City of Bennington as additionally insured in the amount of \$1,000,000 is required. Present the Certificate of Insurance to the City Office before the event date: _____
(Date Insurance Certificate presented to the City of Bennington)

| | | |
|-------------------------|-------------------------------|--|
| Event approval dates: | This area for City Office Use | Applicable Fees: \$50 per application \$10 per block |
| Council: _____ | | |
| Police Dept: _____ | | |
| Maintenance Dept: _____ | | |
| Fire Dept: _____ | | |

**ITEM #5 Conditional Use
Permit – On Line
Firearms Business**

MEMO

FROM: City of Bennington

DATE: April 18, 2020

RE: Trevor Devney

Consideration of a Conditional Use Permit Application for a Firearms Service On Line Retailer Business as a Home Occupation in a R-1 Lake side Residential District located at 12149 N. 177th Circle.

Enclosed you will find a copy of the **April 29, 2020 Planning Commission Meeting Agenda** including a Public Hearing regarding a **Conditional Use Permit** in a R-1 Lake Residential District.

Following the agenda and Conditional Use Permit information is a **list of property owners notified and a map of the area**. If there is someone not listed as a property owner or you have questions or concerns, please contact Mindi at 402-238-2375 in Bennington's City Office.

APPLICATION FOR CONDITIONAL USE PERMIT

Bennington, Nebraska

Date 4/7/2020

trevor.devney@fbfs.com

Property Owner's Name James Devney Company Owners: James Devney & Trevor Devney fbfs.com

Address 12149 N 177th Cir. Bennington, NE 68007

Phone No. (402)215-6923 (Home) (402)894-5767 (Work)

Pursuant to the Bennington Zoning Ordinance, application is hereby made for the following proposed use of property or structure:

Online retailer of firearms and outdoor gear. This will be a drop-shipping operation where products are shipped directly to the consumers from the supplier giving the opportunity for zero inventory.
Company name is Patriot Firearms and Gear Inc.

Legal Description of Property Rep 3 Lot 2, Bennington Lake, subdivision as surveyed, plotted and recorded in Douglas County Ne

Lot Size .8237 Acres (Sq. Ft./ Acres) Zoning District R1 - Lake Residential

Will use in all other respects conform to the applicable regulations of the district in which it is located? yes

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? yes

Will use have adequate water, sewer and drainage facilities? yes

Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads? yes

Estimated Cost of Structure \$ 250.00

Applicant's Signature *T. Devney*

Mailing Address 16862 Patterson Dr. Omaha, NE 68135

Enclosed: Site Plan see attached document Soil Suitability Map N/A Easements N/A

Application fee is Non-Refundable.

OFFICE USE ONLY

Permit No. _____ Permit is: transferrable, transferrable upon review/renewal

Date _____ Approved _____
Approved with Added Conditions _____
Disapproved _____

Chair, Bennington Planning Comm.

Date _____ Approved _____
Approved with Added Conditions _____
Disapproved _____

Chair, Bennington City Council

ATTEST: _____
Bennington City Clerk

Dated this _____ day of _____, 2000.

NOTICE TO PROPERTY OWNERS

PUBLIC HEARING

| | | | |
|---------------------|------------------------------------|-----------------|-------|
| Curt Anderson | 12112 N. 177 th Cir | Benn, NE | 68007 |
| Charles Fox | 12121 N. 177 th Cir | Benn, NE | 68007 |
| James/Trevor Devney | 12149 N. 177 th Cir. | Benn, NE | 68007 |
| Ryan Frickel | 12004 N. 176 Cir. | Benn, NE | 68007 |
| James Hussey | 3314 N. 128 th Cir. | Omaha, NE | 68164 |
| Island Development | 15006 Grover St. | Omaha, NE | 68144 |
| William Koons | 10297 Cnty Rd. 34 | Blair, NE | 68008 |
| Derek Kruse | 12131 N. 177 th Cir. | Benn, NE | 68007 |
| John McCoy | 12111 N. 177 th Cir. | Benn, NE | 68007 |
| Terry Oreskovich | 17845 N. Reflection Cir. | Benn, NE | 68007 |
| Laurence Strohman | 15500 N. Tradewind Dr. #8 | Spirit Lake, IA | 51360 |
| G W Tackett | 9879 S. 168 th Ave. #4A | Omaha, NE | 68136 |

| | | | |
|---|---------------------------|-----------|------------|
| Bennington Police | PO Box 228 | Benn, NE | 68007 |
| Benn Public Library | PO Box 32 | Benn, NE | 68007 |
| Benn Fire / Rescue | 10801 N. 156 St. | Benn, NE | 68007 |
| Bennington School | 11620 N 156 St | Benn, NE | 68007 |
| City of Omaha, Planning Dept. | 1819 Farnam St Room 1110 | Omaha, NE | 68183 |
| Douglas County Emergency Management Agency, Paul Johnson | Civic Center Room EOC 114 | Omaha, NE | 68183 |
| Douglas County Engineer's Office, Dan Kutilek | 15505 W Maple Road | Omaha, NE | 68116 |
| Douglas County Engineer's Office, Jeff Scherzberg | 15505 W Maple Road | Omaha, NE | 68116 |
| Douglas County Engineer's Office, Ken Mertl | 15505 W Maple Road | Omaha, NE | 68116 |
| Douglas County Permits and Inspections, Doug Cook | 3015 Menke Circle | Omaha, NE | 68134 |
| MUD, Jason Stanek | 1723 Harney St. | Omaha, NE | 68102 |
| Nebraska Department of Roads Dist. 2, Tim Weander, Dist. Engineer | PO Box 45461 | Omaha, NE | 68147 |
| NRD, Amanda Grint | 8901 S 154 St | Omaha, NE | 68138-3621 |

12149 N. 177th Cir.

N. 180th St.

177th St.

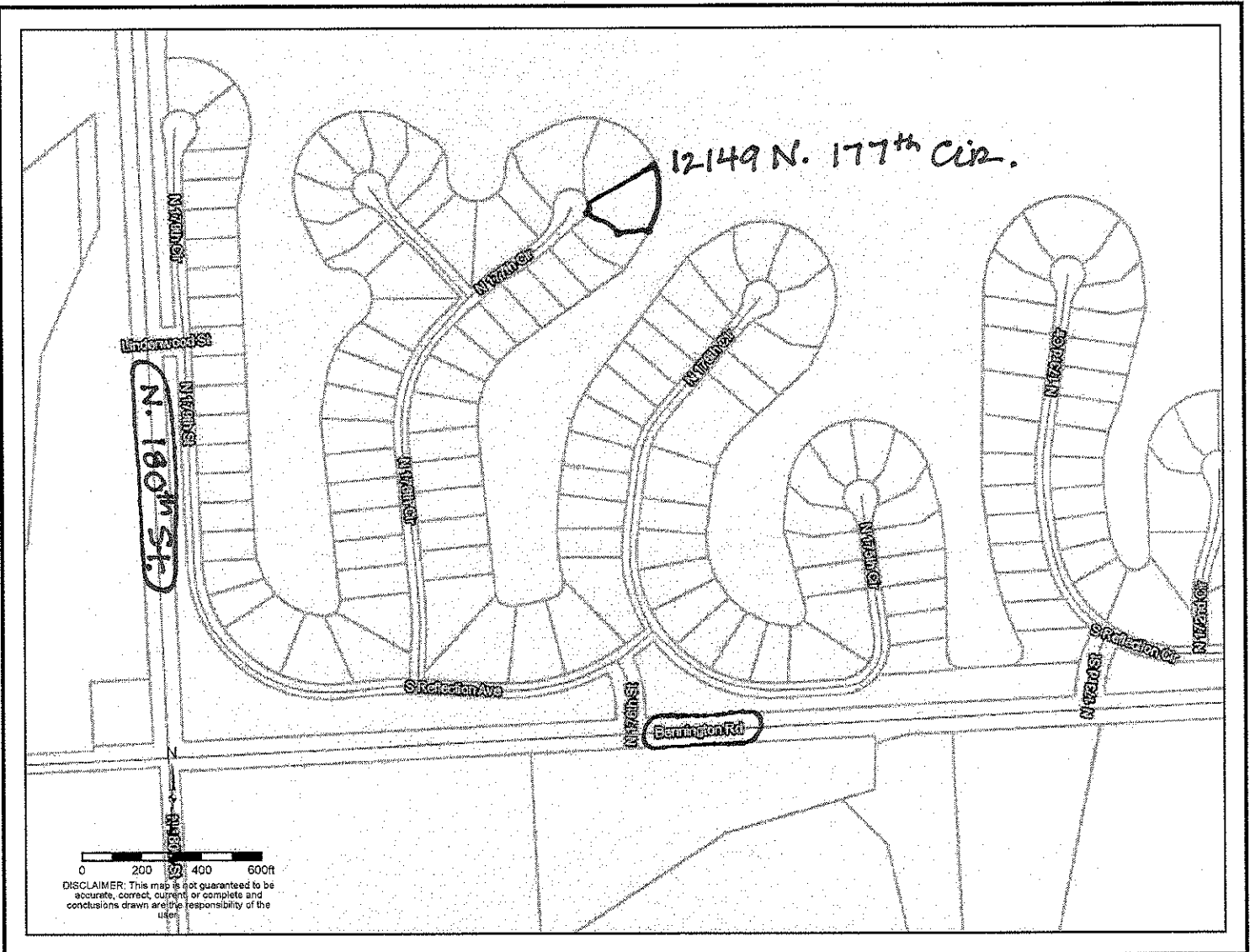
N. 180th St.

S. Kieckhefer Ave.

Berlington Rd.



DISCLAIMER: This map is not guaranteed to be accurate, correct, current or complete and conclusions drawn are the responsibility of the user.



**CONDITIONAL USE PERMIT LIMITATIONS
AGREEMENT**

Pursuant to Article 6 of the City of Bennington's Zoning Regulations, the Planning Commission recommends approval to, and the City Council hereby grants the Conditional Use Application of James and Trevor Devney, doing business as Patriot Firearms and Gear, Inc. (Applicant), to operate a firearms and outdoor gear online retail business as a home occupation on the following described real estate in Douglas County, Nebraska, subject to the following limitations:

1. The Applicant is granted a conditional use permit to operate a firearms and outdoor gear online retail business as a home occupation on Lot 2 of Replat 3 of the Bennington Lake Subdivision, commonly known as 12149 North 177th Circle, Bennington, NE 68007, which is located within the City of Bennington's extraterritorial zoning jurisdiction.
2. The conditional use permit is not transferable or assignable to any other real estate or any other parties, and the conditional use permit shall automatically lapse and become null and void in the event that the Applicant violates or fails to comply with the terms hereof.
3. The subject firearms and outdoor gear online retail business as a home occupation shall not be allowed to be expanded or enlarged unless the terms hereof are modified in accordance with paragraph 7 of this Agreement.
4. The subject firearms and outdoor gear online retail business as a home occupation shall be operated and maintained in strict accordance with the following conditions, limitations, and requirements:
 - a. It shall be limited to an online retail firearms and outdoor gear business as a home occupation, with drop shipping operations where products are shipped directly to the consumers from the supplier and thus maintaining no inventory on site. Provided however, that pursuant to federal law firearms shall be shipped to this site for personal pickup by the purchaser, which in accordance with the Applicant's requirements is to be accomplished within forty-eight hours of the Applicant's receipt thereof.

- b. It shall be operated by the Applicant only and all of the provisions of City of Bennington Zoning Regulations 7.06.01 through 7.06.12 regarding home based businesses and occupations shall be complied with.
 - c. There shall be no outdoor or window signage which contains or displays the name of the home occupation or which advertises the services of the home occupation.
 - d. There shall not be an annual review of this Conditional Use Permit Limitations Agreement. An immediate review of this Conditional Use Permit Limitations Agreement shall be undertaken at any time that the Applicant violates or fails to comply with the terms hereof.
 - e. All future expansions shall require an application for a conditional use permit.
5. The Applicant shall be required to obtain all necessary permits pursuant to applicable federal and state statutes and regulations, and applicable City of Bennington ordinances, if any, and the construction of any improvements shall be required to be constructed in accordance with all applicable building codes, ordinances, and regulations.
 6. All written and graphic materials submitted by the Applicant in conjunction with the Conditional Use Application, the provisions of which are consistent and in conformance with the limitations herein provided, are incorporated herein and by this reference are made a part hereof.
 7. The limitations herein contained may be modified after public hearings before the Planning Commission and City Council, upon the application of the Applicant along with the payment of the required fee for a conditional use application, or upon the application of the Planning Commission or City Council.

Dated: _____

 City of Bennington Planning Commission
 Chairperson Kevin Kuker

Dated: _____

 City of Bennington Mayor Matt John

Dated: _____

James Devney
12149 North 177th Circle
Bennington, NE 68007
402-215-6923

Dated: _____

Trevor Devney
16892 Patterson Drive
Omaha, NE 68135
402-894-5767
trevor.devney@fbfs.com

ITEM #6 Ordinance No. 486

**Obstructions in
Required Yards**

PROCEEDINGS AND PASSAGE OF ORDINANCE NO. 486:

The Mayor and City Council of the City of Bennington, Nebraska, met in regular session on May 11, 2020 and June 8, 2020, at 6:30 p.m., at the Bennington City Office, 15505 Warehouse Street, and acted on the following described ordinance:

ORDINANCE NO. 486

AN ORDINANCE AMENDING SECTION 4.11 OF THE ZONING REGULATIONS OF THE CITY OF BENNINGTON REGARDING PERMITTED OBSTRUCTIONS IN REQUIRED YARDS AND SUBTERRANEAN EGRESS WINDOW STRUCTURES IN SIDE YARDS AND CREATING AND ADDING TO THE CITY OF BENNINGTON ZONING REGULATIONS DEFINITIONS OF FIRE ESCAPE AND EGRESS WINDOW WELL.

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

Section 1. Section 4.11 to the Zoning Regulations of the City of Bennington regarding permitted obstructions in required yards is hereby amended as follows:

Section 4.11 Permitted Obstructions in Required Yards:

The following shall not be considered to be obstructions when located in the required yards:

- 4.11.01** *All Yards.* The following obstructions are allowed in openness (finished grade upward) of required yards:
 - 4.11.01.01** Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
 - 4.11.01.02** Windowsills, belt courses, cornices, eaves, flues and chimneys, and ornamental features projecting 24 inches or less into the yard;
 - 4.11.01.03** Recreational and laundry-drying equipment;
 - 4.11.01.04** Approved freestanding signs;
 - 4.11.01.05** Arbors and trellises;
 - 4.11.01.06** Flag poles;
 - 4.11.01.07** Window unit air conditioners projecting not more than 18 inches into the required yard;
 - 4.11.01.08** Eaves not more than 36 inches into the required yard;
 - 4.11.01.09** Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of three and one-half (3.5) feet into required yards and shall not be closer to the property line than one and one-half (1.5) feet, provided that they do not obstruct the light and ventilation of adjacent buildings;
 - 4.11.01.10** Egress window wells may project a maximum of three and one-half (3.5) feet into required yards and shall not be closer to the property line than one and one-half (1.5) feet, and shall not project more than six (6) inches above grade;
 - 4.11.01.11** Fences or walls subject to applicable height and setback restrictions are

permitted in all yards, and fencing and retaining walls as regulated in Article 7.

- 4.11.02 *Front Yards.* Bay windows projecting three (3) feet or less into the yard are permitted.
- 4.11.03 *Rear and Side Yards.* Open off-street parking spaces or outside elements of central air conditioning systems.
- 4.11.04 *Double Frontage Lots.* The required front yard shall be provided on each street.
- 4.11.05 *Building Groupings.* For the purpose of the side yard regulation, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 2. New definitions to the Zoning Regulations of the City of Bennington for fire escape and egress window well are hereby enacted and adopted as follows:

- 2.03.172.A **Fire Escape** shall mean a device (in compliance with current building codes), above grade, for escape from a burning building; especially a metal stairway attached to the outside of a building.
- 2.03.150.A **Egress Window Well** shall mean a structure below grade that when paired with an egress window and or ladder/steps, allows for entry or exit in case of an emergency.

Section 3. The previous Section 4.11 of the City of Bennington's Zoning Regulations as enacted in City of Bennington Ordinance No. 460 is hereby repealed, and the foregoing Section 1 of this Ordinance shall be codified in the Zoning Regulations of the City of Bennington as Section 4.11, and the definitions for fire escape and egress window well in Section 2 of this Ordinance shall be codified in the City of Bennington's Zoning Regulations as Subsections 2.03.172.A and 2.03.150.A respectively.

Following the introduction on April 13, 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 June 8, 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. 486 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 8th day of June, 2020.

MAYOR MATT JOHN

ATTEST:

CITY CLERK MINDI LAAKER

ITEM #7 156th St. Project

AGREEMENT

THIS AGREEMENT is made and entered into as of the dates indicated below by and between the City of Bennington, a municipal corporation in the State of Nebraska (hereinafter referred to as "Bennington") and the City of Omaha, a municipal corporation in the State of Nebraska, acting by and through its authorized City Council (hereinafter referred to as "Omaha").

WITNESSETH:

WHEREAS, Bennington has a traffic signal installation on its road system which requires regular maintenance; and

WHEREAS, Omaha is willing to perform such traffic signal maintenance work in accordance with the terms hereinafter provided.

NOW, THEREFORE, in consideration of these facts, the parties hereto agree as follows:

1. Description of Work

Omaha shall, from the date of this Agreement until such time as this Agreement is terminated, perform all necessary maintenance work on all traffic signals and pedestrian signals locations listed in Section 4. Such maintenance work will include, but not be limited to, changing bulbs, troubleshooting controllers, adjusting detection sensors, establishing communication and inputting timing parameters.

Omaha agrees to perform such maintenance work as expeditiously as possible in order to minimize the inconvenience to the public caused by malfunctioning traffic signals.

Omaha agrees to have personnel available for emergency repair work twenty-four (24) hours a day, seven (7) days a week on the same basis that Omaha provides for its own emergency repair work.

2. Exclusions

Construction of new signals at new or existing locations is not included in the scope of work under this Agreement. The replacement of equipment due to age, damage, or Bennington-initiated signal phasing changes shall be the responsibility of Bennington. The replacement of traffic signal poles and appurtenances for any reason shall be the responsibility of Bennington.

In the event that both parties desire for Omaha to perform work identified in Section 2 herein, Omaha may perform the work and invoice Bennington for the labor, equipment and material costs.

3. Compensation

Bennington agrees to reimburse Omaha in the amount of \$700 annually for each signalized intersection or pedestrian signal locations listed in Section 4. The annual fee shall be adjusted every four (4) years to reflect changes in the Kansas City – All Urban Consumers – Consumer Price Index.

For the initial year of this Agreement, the \$700.00 annual amount shall be prorated over the fifty-two (52) weeks of a calendar year and paid based on the number of weeks in the initial year that maintenance services are provided.

Omaha shall invoice Bennington on an annual basis at the beginning of each calendar year for the maintenance work performed under the scope of this Agreement. The invoice shall show the location of each signalized intersection and pedestrian signal. Any additional work as agreed upon by both parties will be invoiced at the completion of such work. Bennington agrees to pay all invoices tendered within forty-five (45) days of their receipt.

4. Locations

The following are the locations with Bennington traffic signals, or at which traffic signals are under design for construction in 2020, as of the time of this Agreement:

1. 156th Street and Bennington Road

The parties agree that this list may be amended administratively from time to time, when both parties agree, either 1) to add new locations as new traffic signals are constructed by Bennington, or 2) to remove locations as traffic signals are removed by Bennington.

5. Termination

Either Omaha or Bennington shall have the absolute right to terminate this Agreement by giving ninety (90) days advance written notice.

In the event of termination by either party during a calendar year, Omaha will refund to Bennington within forty-five (45) days of termination a prorated portion of the \$700.00 annual payment based on a fifty-two (52) week calendar year and the number of weeks in the year of termination that maintenance services are not provided.

6. Responsibility to the Public

Although Omaha agrees to undertake the maintenance work expeditiously and in a workmanlike manner, Omaha shall not be responsible to any third parties for any operational parameter decision making related to signalized traffic control, design errors or malfunctions of any of the signals involved, whether before or after any maintenance

work by Omaha. Bennington shall retain whatever liability exists under the law of this State regarding injuries to the public for any malfunctions or design errors in the signals.

7. Pursuant to Section 8.05 of the Home Rule Charter of the City of Omaha, no elected official or any officer or employee of the City of Omaha shall have a financial interest, direct or indirect, in any City of Omaha contract. A violation of that section with the knowledge of Bennington, in addition to constituting employee malfeasance, shall be cause for Omaha to unilaterally terminate or void this Agreement.

8. Bennington or Omaha shall not, in performance of this Agreement, discriminate or permit discrimination against any person because of race, color, creed, religion, sex, marital status, sexual orientation, gender identity, national origin, age, or disability, in violation of federal or state laws.

9. This instrument contains the entire agreement of the parties and shall be binding upon the successors and assigns of the respective parties. No amendments, deletions or additions shall be made to this Agreement except in writing.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the CITY OF OMAHA this _____ day of _____ 20__.

ATTEST:

City Clerk

Mayor, City of Omaha

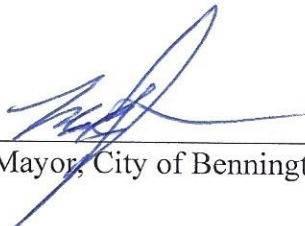
APPROVED AS TO FORM:

Deputy City Attorney

EXECUTED by the CITY OF BENNINGTON this _____ day of _____ 20__.

ATTEST:

City Clerk



Mayor, City of Bennington

APPROVED AS TO FORM:



City Attorney

INVOICE

TO: CITY OF BENNINGTON
P O BOX 221

BENNINGTON NE 68007

Billing Address:

Nebraska Department of Transportation
clo Controller Division
1500 Hwy 2
PO Box 94759
Lincoln NE 68509-4759

DATE
04-23-2020

ACCOUNT NUMBER
B1500

INVOICE NUMBER
0643040

COST DESCRIPTION

COST

PROJECT NO. STPC 3805(5)
CONTROL NO. 22233
AGREEMENT NO BL1292
156TH ST IN BENNINGTON

SEE ATTACHED FOR DETAILS

AMOUNT DUE THIS INVOICE \$ 1,794,119.39

1,794,119.39

CONTACT M BOHUSLAVSKY AT 402-479-4305 WITH ANY QUESTIONS

PREPARED BY:
S WURSTER

DESCRIPTION:
STPC 3805(5)

PAY THIS AMOUNT
1,794,119.39

DETACH THIS PORTION AND RETURN WITH A PAYMENT

Make checks payable to & Mail to:

Nebraska Dept. of Transportation
clo Controller Division
PO Box 94759
Lincoln NE 68509-4759

BENNINGTON /CITY OF

CUSTOMER NAME

04-23-2020

DATE OF INVOICE

TERMS

This amount is due upon receipt of this invoice

INVOICE NUMBER
0643040

ACCOUNT NUMBER
B1500

AMOUNT
1,794,119.39

INVOICE SUPPORT DETAIL

Responsible Party: City of Bennington
Project No. STPC 3805(5)
Control No. 22233
Agreement No. BL1292
Expenses Thru: April 23, 2020
Description: 156th St In Bennington
Invoice No: 0643040

| Work Phase | Total Agreement | City Funding Percent | City Costs Share |
|--|------------------|----------------------|------------------------|
| Preliminary Engineering: | | | |
| NDOT Expenses to Date | 15,000.00 | 20% | 3,000.00 |
| | 2,267.52 | 100% | 2,267.52 |
| City Agreement (BL1292) | 447,014.59 | 20% | 89,402.90 A |
| Consultant Agreement BK1642 HDR Engineering, Inc. | 461,651.03 | 20% | 92,330.21 |
| Right Of Way: | | | |
| NDOT Expenses to Date | 630.41 | 100% | 630.41 |
| | 55,776.01 | 20% | 11,155.20 |
| Construction: | | | |
| K2 Real Estate Development, LLC | | | |
| Construction Contract | 7,607,576.08 | | |
| Plus Contingencies | 2% 152,151.52 | | |
| City's Share | 7,759,727.60 | 20% | 1,551,945.52 |
| Construction Engineering: | | | |
| Estimated Construction Engineering | 15% 1,141,136.42 | 20% | 228,227.28 |
| Estimated Audit Expenses | 2,500.00 | 20% | 500.00 |
| Total City Cost Share | | | 1,979,459.04 |
| Less City 20% Match Non Cash (A) | | | (89,402.90) A |
| Less Previous Invoices | | | (95,936.75) |
| Total Due This Invoice | | | \$ 1,794,119.39 |

NOTE: NDOT expenses include labor and operating costs.

4/27/2020 10:42

Z:\Bud & Finance\Mary\Invoice Templates\District 2\CN 22233 (4-23-20).xlsx\City

| | | | | | | |
|---------------------------------|-----------------------------|--|--|--|--|--|
| City of Bennington | | | | | | |
| 156th St in Bennington | | | | | | |
| Project No. STPC 3805(5) | | | | | | |
| Control No. 22233 | | | | | | |
| Proj# | 38050005 | | | | | |
| CN | 22233 | | | | | |
| Preliminary Engineering | | | | | | |
| TimeSheetDate | Payroll and Additive | | | | | |
| 01-Dec-06 | 221.79 | | | | | |
| 07-Feb-07 | 285.18 | | | | | |
| 05-Mar-07 | 269.33 | | | | | |
| 06-Apr-07 | 308.93 | | | | | |
| 24-Apr-07 | 253.49 | | | | | |
| 04-Jun-07 | 285.18 | | | | | |
| 06-Jun-07 | 269.33 | | | | | |
| 20-Jun-07 | 269.33 | | | | | |
| 03-Aug-07 | 237.64 | | | | | |
| 17-Aug-07 | 285.18 | | | | | |
| 22-Sep-07 | 94.02 | | | | | |
| 16-Nov-07 | 136.76 | | | | | |
| 04-Dec-07 | 273.51 | | | | | |
| 14-Dec-07 | 119.66 | | | | | |
| 11-Jan-08 | 205.16 | | | | | |
| 31-Jan-08 | 307.69 | | | | | |
| 16-Apr-08 | 102.56 | | | | | |
| 30-May-08 | 205.14 | | | | | |
| 10-Jun-08 | 136.76 | | | | | |
| 05-Nov-08 | 277.08 | | | | | |
| 20-Nov-08 | 207.81 | | | | | |
| 03-Dec-08 | 346.36 | | | | | |
| 09-Feb-11 | 69.06 | | | | | |
| 20-May-11 | 175.22 | | | | | |
| 11-Aug-11 | 35.24 | | | | | |
| 26-Sep-11 | 35.24 | | | | | |
| 23-Mar-12 | 35.24 | | | | | |
| 05-Apr-12 | 141.00 | | | | | |
| 06-Jul-12 | 35.95 | | | | | |
| 26-Oct-12 | 35.95 | | | | | |
| 27-Nov-12 | 107.85 | | | | | |
| 28-Nov-12 | 71.90 | | | | | |
| 06-Dec-12 | 35.95 | | | | | |
| 08-Mar-13 | 71.90 | | | | | |
| 26-Mar-13 | 35.95 | | | | | |
| 15-Apr-13 | 165.15 | | | | | |
| 17-Apr-13 | 35.95 | | | | | |
| 03-May-13 | 71.90 | | | | | |

| | | | | | |
|-----------|--------|--|--|--|--|
| 21-May-13 | 55.05 | | | | |
| 14-Jun-13 | 35.95 | | | | |
| 21-Jun-13 | 68.16 | | | | |
| 26-Jun-13 | 68.16 | | | | |
| 28-Jun-13 | 34.08 | | | | |
| 18-Sep-13 | 102.00 | | | | |
| 25-Sep-13 | 34.00 | | | | |
| 05-Nov-13 | 68.00 | | | | |
| 15-Nov-13 | 34.00 | | | | |
| 02-Dec-14 | 120.76 | | | | |
| 23-Feb-15 | 138.70 | | | | |
| 21-Apr-15 | 78.34 | | | | |
| 21-Jul-15 | 55.68 | | | | |
| 05-Oct-15 | 29.89 | | | | |
| 07-Oct-15 | 55.68 | | | | |
| 29-Oct-15 | 111.34 | | | | |
| 06-Nov-15 | 69.59 | | | | |
| 29-Dec-15 | 83.51 | | | | |
| 30-Dec-15 | 27.83 | | | | |
| 12-Jan-16 | 69.98 | | | | |
| 22-Jan-16 | 37.65 | | | | |
| 03-Feb-16 | 55.68 | | | | |
| 11-Feb-16 | 131.77 | | | | |
| 12-Feb-16 | 37.65 | | | | |
| 24-Feb-16 | 56.47 | | | | |
| 11-Mar-16 | 56.47 | | | | |
| 15-Mar-16 | 75.30 | | | | |
| 14-Apr-16 | 41.88 | | | | |
| 20-Apr-16 | 37.65 | | | | |
| 10-Aug-16 | 113.64 | | | | |
| 11-Aug-16 | 75.76 | | | | |
| 15-Aug-16 | 37.87 | | | | |
| 17-Aug-16 | 37.87 | | | | |
| 25-Aug-16 | 37.87 | | | | |
| 26-Aug-16 | 37.87 | | | | |
| 07-Sep-16 | 37.87 | | | | |
| 09-Sep-16 | 37.87 | | | | |
| 12-Sep-16 | 37.87 | | | | |
| 19-Sep-16 | 75.76 | | | | |
| 20-Sep-16 | 37.87 | | | | |
| 22-Sep-16 | 37.87 | | | | |
| 23-Sep-16 | 37.87 | | | | |
| 28-Sep-16 | 37.87 | | | | |
| 29-Sep-16 | 37.87 | | | | |
| 30-Sep-16 | 37.87 | | | | |
| 03-Oct-16 | 37.87 | | | | |
| 11-Oct-16 | 37.87 | | | | |

| | | | | | |
|-----------|--------|--|--|--|--|
| 14-Oct-16 | 37.87 | | | | |
| 17-Oct-16 | 37.87 | | | | |
| 20-Oct-16 | 37.87 | | | | |
| 24-Oct-16 | 37.87 | | | | |
| 25-Oct-16 | 37.87 | | | | |
| 26-Oct-16 | 37.87 | | | | |
| 27-Oct-16 | 56.82 | | | | |
| 01-Nov-16 | 37.87 | | | | |
| 02-Nov-16 | 37.87 | | | | |
| 04-Nov-16 | 75.76 | | | | |
| 10-Nov-16 | 37.87 | | | | |
| 14-Nov-16 | 37.87 | | | | |
| 15-Nov-16 | 37.87 | | | | |
| 16-Nov-16 | 37.87 | | | | |
| 17-Nov-16 | 37.87 | | | | |
| 18-Nov-16 | 56.82 | | | | |
| 21-Nov-16 | 37.87 | | | | |
| 22-Nov-16 | 37.87 | | | | |
| 23-Nov-16 | 113.64 | | | | |
| 28-Nov-16 | 37.87 | | | | |
| 29-Nov-16 | 37.87 | | | | |
| 01-Dec-16 | 37.87 | | | | |
| 05-Dec-16 | 113.64 | | | | |
| 07-Dec-16 | 37.87 | | | | |
| 08-Dec-16 | 37.87 | | | | |
| 09-Dec-16 | 37.87 | | | | |
| 15-Dec-16 | 37.87 | | | | |
| 16-Dec-16 | 56.82 | | | | |
| 20-Dec-16 | 37.87 | | | | |
| 21-Dec-16 | 37.87 | | | | |
| 12-Jan-17 | 37.87 | | | | |
| 23-Jan-17 | 37.87 | | | | |
| 24-Jan-17 | 37.87 | | | | |
| 26-Jan-17 | 37.87 | | | | |
| 27-Jan-17 | 37.87 | | | | |
| 30-Jan-17 | 56.82 | | | | |
| 31-Jan-17 | 37.87 | | | | |
| 01-Feb-17 | 37.87 | | | | |
| 08-Feb-17 | 37.87 | | | | |
| 10-Feb-17 | 37.87 | | | | |
| 14-Feb-17 | 37.87 | | | | |
| 27-Feb-17 | 105.32 | | | | |
| 03-Mar-17 | 84.26 | | | | |
| 07-Mar-17 | 147.45 | | | | |
| 13-Mar-17 | 63.19 | | | | |
| 20-Mar-17 | 63.19 | | | | |
| 27-Mar-17 | 105.32 | | | | |

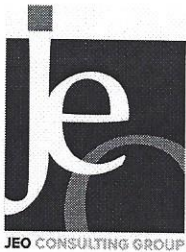
| | | | | | |
|-----------|--------|--|--|--|--|
| 28-Mar-17 | 84.26 | | | | |
| 29-Mar-17 | 63.19 | | | | |
| 30-Mar-17 | 294.91 | | | | |
| 31-Mar-17 | 63.19 | | | | |
| 06-Apr-17 | 210.66 | | | | |
| 17-Apr-17 | 84.26 | | | | |
| 18-Apr-17 | 84.26 | | | | |
| 15-May-17 | 168.53 | | | | |
| 10-Jul-17 | 87.12 | | | | |
| 17-Jul-17 | 130.67 | | | | |
| 18-Jul-17 | 108.90 | | | | |
| 19-Jul-17 | 108.90 | | | | |
| 21-Jul-17 | 152.45 | | | | |
| 28-Jul-17 | 43.56 | | | | |
| 15-Aug-17 | 174.23 | | | | |
| 16-Aug-17 | 130.67 | | | | |
| 17-Aug-17 | 87.12 | | | | |
| 21-Aug-17 | 108.90 | | | | |
| 22-Aug-17 | 65.34 | | | | |
| 23-Aug-17 | 152.45 | | | | |
| 24-Aug-17 | 108.90 | | | | |
| 28-Aug-17 | 87.12 | | | | |
| 30-Aug-17 | 130.67 | | | | |
| 31-Aug-17 | 65.34 | | | | |
| 01-Sep-17 | 65.34 | | | | |
| 08-Sep-17 | 130.67 | | | | |
| 11-Sep-17 | 87.12 | | | | |
| 15-Sep-17 | 65.34 | | | | |
| 20-Sep-17 | 153.78 | | | | |
| 21-Sep-17 | 304.91 | | | | |
| 26-Sep-17 | 43.56 | | | | |
| 27-Sep-17 | 130.67 | | | | |
| 29-Sep-17 | 54.44 | | | | |
| 02-Oct-17 | 108.90 | | | | |
| 16-Oct-17 | 43.56 | | | | |
| 20-Oct-17 | 65.34 | | | | |
| 25-Oct-17 | 87.12 | | | | |
| 30-Oct-17 | 152.45 | | | | |
| 31-Oct-17 | 152.45 | | | | |
| 07-Nov-17 | 87.12 | | | | |
| 09-Nov-17 | 108.90 | | | | |
| 27-Nov-17 | 174.23 | | | | |
| 06-Dec-17 | 65.34 | | | | |
| 11-Dec-17 | 108.90 | | | | |
| 12-Dec-17 | 174.23 | | | | |
| 14-Dec-17 | 108.90 | | | | |
| 20-Dec-17 | 87.12 | | | | |

| | | | | | |
|-----------|--------|--|--|--|--|
| 21-Dec-17 | 130.67 | | | | |
| 08-Jan-18 | 87.12 | | | | |
| 09-Jan-18 | 130.67 | | | | |
| 10-Jan-18 | 152.45 | | | | |
| 11-Jan-18 | 87.12 | | | | |
| 18-Jan-18 | 87.12 | | | | |
| 19-Jan-18 | 108.90 | | | | |
| 22-Jan-18 | 65.34 | | | | |
| 23-Jan-18 | 130.67 | | | | |
| 24-Jan-18 | 108.90 | | | | |
| 29-Jan-18 | 87.12 | | | | |
| 01-Feb-18 | 283.13 | | | | |
| 26-Feb-18 | 87.12 | | | | |
| 27-Feb-18 | 108.90 | | | | |
| 28-Feb-18 | 87.12 | | | | |
| 02-Mar-18 | 43.56 | | | | |
| 05-Mar-18 | 130.67 | | | | |
| 07-Mar-18 | 108.90 | | | | |
| 08-Mar-18 | 130.67 | | | | |
| 13-Mar-18 | 108.90 | | | | |
| 14-Mar-18 | 21.78 | | | | |
| 02-Apr-18 | 65.34 | | | | |
| 04-Apr-18 | 87.12 | | | | |
| 09-Apr-18 | 87.12 | | | | |
| 10-Apr-18 | 108.90 | | | | |
| 12-Apr-18 | 119.79 | | | | |
| 31-May-18 | 32.66 | | | | |
| 21-Aug-18 | 43.64 | | | | |
| 12-Sep-18 | 152.00 | | | | |
| 17-Oct-18 | 187.36 | | | | |
| 18-Oct-18 | 142.75 | | | | |
| 19-Oct-18 | 35.69 | | | | |
| 30-Oct-18 | 608.04 | | | | |
| 13-Nov-18 | 21.53 | | | | |
| 14-Nov-18 | 21.53 | | | | |
| 15-Nov-18 | 21.53 | | | | |
| 16-Nov-18 | 21.53 | | | | |
| 19-Nov-18 | 21.53 | | | | |
| 20-Nov-18 | 21.53 | | | | |
| 21-Nov-18 | 21.53 | | | | |
| 04-Dec-18 | 382.00 | | | | |
| 06-Dec-18 | 382.00 | | | | |
| 07-Dec-18 | 382.00 | | | | |
| 17-Jan-19 | 59.06 | | | | |
| 25-Jan-19 | 407.99 | | | | |
| 28-Jan-19 | 407.99 | | | | |
| 05-Feb-19 | 407.99 | | | | |

| | | | | | |
|--|------------------|-------------|-----------------|--|--|
| 07-Feb-19 | 152.99 | | | | |
| 26-Mar-19 | 218.51 | | | | |
| 16-Apr-19 | 87.40 | | | | |
| 17-Apr-19 | 174.82 | | | | |
| 23-Apr-19 | 87.40 | | | | |
| 24-Apr-19 | 174.82 | | | | |
| 05-Jun-19 | 193.84 | | | | |
| 06-Jun-19 | 272.18 | | | | |
| 07-Jun-19 | 671.38 | | | | |
| 27-Jun-19 | 408.75 | | | | |
| 28-Jun-19 | 408.75 | | | | |
| 05-Aug-19 | 114.06 | | | | |
| 06-Aug-19 | 114.06 | | | | |
| 08-Aug-19 | 114.06 | | | | |
| 09-Aug-19 | 114.06 | | | | |
| 12-Aug-19 | 114.06 | | | | |
| 13-Aug-19 | 114.06 | | | | |
| 14-Aug-19 | 114.06 | | | | |
| 15-Aug-19 | 114.06 | | | | |
| 16-Aug-19 | 114.06 | | | | |
| 03-Sep-19 | 85.55 | | | | |
| 05-Sep-19 | 85.55 | | | | |
| 09-Sep-19 | 85.55 | | | | |
| 12-Sep-19 | 85.55 | | | | |
| 13-Sep-19 | 85.55 | | | | |
| 17-Dec-19 | 248.89 | | | | |
| 18-Dec-19 | 226.25 | | | | |
| 15-Jan-20 | 544.63 | | | | |
| 16-Jan-20 | 544.63 | | | | |
| 22-Jan-20 | 50.79 | | | | |
| Grand Total | 29,161.69 | | | | |
| City share | 15,000.00 | 20% | 3,000.00 | | |
| | 2,267.52 | 100% | 2,267.52 | | |
| State | 11,894.17 | | | | |
| 4/27/2020 | | | | | |
| C:\Users\Marylou.Goggins\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\YE60TKUG\ | | | | | |

| | | | | | |
|---------------------------------|-----------------------------|--|--|--|--|
| City of Bennington | | | | | |
| 156th St in Bennington | | | | | |
| Project No. STPC 3805(5) | | | | | |
| Control No. 22233 | | | | | |
| Proj# | 38050005 | | | | |
| CN | 22233 | | | | |
| Right of Way | | | | | |
| TimeSheetDate | Payroll and Additive | | | | |
| 2/1/2018 | 606.54 | | | | |
| 12/10/2018 | 23.87 | | | | |
| 1/11/2019 | 388.97 | | | | |
| 2/5/2019 | 218.79 | | | | |
| 2/6/2019 | 388.97 | | | | |
| 2/7/2019 | 291.73 | | | | |
| 2/8/2019 | 388.97 | | | | |
| 2/11/2019 | 388.97 | | | | |
| 2/12/2019 | 388.97 | | | | |
| 2/13/2019 | 388.97 | | | | |
| 2/14/2019 | 267.43 | | | | |
| 2/15/2019 | 267.42 | | | | |
| 2/19/2019 | 267.43 | | | | |
| 2/20/2019 | 388.97 | | | | |
| 2/21/2019 | 388.97 | | | | |
| 2/25/2019 | 267.43 | | | | |
| 2/26/2019 | 388.97 | | | | |
| 2/27/2019 | 291.72 | | | | |
| 2/28/2019 | 388.97 | | | | |
| 3/1/2019 | 388.97 | | | | |
| 3/5/2019 | 388.96 | | | | |
| 3/6/2019 | 121.56 | | | | |
| 3/12/2019 | 388.97 | | | | |
| 3/14/2019 | 388.97 | | | | |
| 3/15/2019 | 340.36 | | | | |
| 3/18/2019 | 388.97 | | | | |
| 3/19/2019 | 388.97 | | | | |
| 3/20/2019 | 291.75 | | | | |
| 3/21/2019 | 267.43 | | | | |
| 3/22/2019 | 267.43 | | | | |
| 3/27/2019 | 388.97 | | | | |
| 3/28/2019 | 316.04 | | | | |
| 3/29/2019 | 388.97 | | | | |
| 5/10/2019 | 169.63 | | | | |
| 6/6/2019 | 48.62 | | | | |
| 6/10/2019 | 96.94 | | | | |
| 6/11/2019 | 193.86 | | | | |
| 6/12/2019 | 412.98 | | | | |

| | | | | | |
|--|------------------|-------------|------------------|--|--|
| 6/13/2019 | 388.97 | | | | |
| 6/14/2019 | 279.59 | | | | |
| 6/17/2019 | 388.97 | | | | |
| 6/18/2019 | 388.97 | | | | |
| 6/19/2019 | 521.48 | | | | |
| 6/20/2019 | 266.71 | | | | |
| 6/25/2019 | 267.42 | | | | |
| 6/27/2019 | 196.81 | | | | |
| 7/1/2019 | 134.19 | | | | |
| 7/5/2019 | 82.03 | | | | |
| 7/15/2019 | 134.22 | | | | |
| 7/16/2019 | 246.07 | | | | |
| 7/17/2019 | 246.07 | | | | |
| 7/18/2019 | 193.88 | | | | |
| 7/19/2019 | 246.07 | | | | |
| 7/22/2019 | 246.07 | | | | |
| 7/23/2019 | 253.52 | | | | |
| 7/24/2019 | 119.31 | | | | |
| 7/25/2019 | 145.32 | | | | |
| 8/13/2019 | 162.14 | | | | |
| 9/6/2019 | 444.69 | | | | |
| 1/6/2020 | 198.34 | | | | |
| 1/17/2020 | 396.67 | | | | |
| (blank) | 38,428.50 | | | | |
| Grand Total | 56,406.42 | | | | |
| City share | 630.41 | 100% | 630.41 | | |
| | 55,776.01 | 20% | 11,155.20 | | |
| 4/27/2020 | | | | | |
| C:\Users\Marylou.Goggins\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\YE60TKUG\ | | | | | |



Invoice

April 9, 2020
Project No: R050728.00
Invoice No: 116026
Invoice Amount: 6,828.75

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 April 3, 2020

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

| Hourly Phase(s) | Contract Amount | Percent Complete | Billed-to-Date | Previous Billing | Current Billing |
|--|-----------------|------------------|--------------------|--------------------|-------------------|
| Study and Report | | | \$60,340.50 | \$60,340.50 | 0.00 |
| Administration and Assistance | | | \$8,741.25 | \$3,961.25 | \$4,780.00 |
| Condemnation Hearing Services | | | \$2,513.75 | \$2,513.75 | 0.00 |
| Construction Staking for Utility Relocations | | | \$3,368.75 | \$1,320.00 | \$2,048.75 |
| Total | | | \$74,964.25 | \$68,135.50 | \$6,828.75 |
| Total Amount Due Upon Receipt | | | | | \$6,828.75 |

| Billings to Date | Current | Prior | Total |
|------------------|----------|-----------|-----------|
| | 6,828.75 | 68,135.50 | 74,964.25 |

Outstanding Invoices

| Number | Date | Balance |
|--------------|-----------|-----------------|
| 115510 | 3/12/2020 | 1,000.00 |
| Total | | 1,000.00 |

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

Billing Backup

Thursday, April 9, 2020

JEO Consulting Group, Inc.

Invoice <Draft> Dated 4/9/2020

9:50:41 AM

Project R050728.00 Bennington 156th Street Administration Services

Phase 100GA Administration and Assistance

Hours this Invoice

| | | | Hours | | Amount |
|----------------------|-----------|--|--------------|-------------------------|-------------------|
| 63 - Borchers, Julie | 3/9/2020 | attend council meeting | 1.00 | 185.00 | 185.00 |
| 63 - Borchers, Julie | 3/10/2020 | email to NDOT on project award and ask for update on cost splits | .50 | 185.00 | 92.50 |
| 63 - Borchers, Julie | 3/23/2020 | review (clean up) of spreadsheet for project split between City/School | 2.25 | 185.00 | 416.25 |
| 63 - Borchers, Julie | 3/24/2020 | complete estimate update and prepare memo on bond amount | 1.50 | 185.00 | 277.50 |
| 63 - Borchers, Julie | 3/26/2020 | MUD Tree issue on Mueller property | .50 | 185.00 | 92.50 |
| 63 - Borchers, Julie | 3/27/2020 | review MUD removals on the anytime fitness site | .50 | 185.00 | 92.50 |
| 63 - Borchers, Julie | 3/30/2020 | email to MUD, call with Ty | .50 | 185.00 | 92.50 |
| 63 - Borchers, Julie | 3/31/2020 | site review of MUD Work and visit with Ryan N from MUD on schedule. Talk to John about food pantry box relocation. | 2.75 | 185.00 | 508.75 |
| 63 - Borchers, Julie | 4/1/2020 | letter for bond and download photos, respond to emails on anytime fitness and agreement to john t, print out plan sets | 2.00 | 185.00 | 370.00 |
| 63 - Borchers, Julie | 4/2/2020 | print bind plan and speical provisions, review/mark specials, attend meeting with NDOT | 4.50 | 185.00 | 832.50 |
| 102 - Hevlin, Tyler | 3/26/2020 | mueller tree issue | 2.50 | 260.00 | 650.00 |
| 102 - Hevlin, Tyler | 3/27/2020 | calls to ndot | .50 | 260.00 | 130.00 |
| 102 - Hevlin, Tyler | 3/28/2020 | financial infor for bonds | 1.00 | 260.00 | 260.00 |
| 102 - Hevlin, Tyler | 4/1/2020 | prep for meeting | .50 | 260.00 | 130.00 |
| 102 - Hevlin, Tyler | 4/2/2020 | meeting on site with NDOT | 2.50 | 260.00 | 650.00 |
| | | Totals | 23.00 | | 4,780.00 |
| | | Total Labor | | | 4,780.00 |
| | | | | Total this Phase | \$4,780.00 |

Phase 105CS Construction Staking for Utility Relocations

Hours this Invoice

| | | | Hours | | Amount |
|-------------------------|-----------|---|--------------|--------|---------------|
| 48 - Kraenow, Alexander | 4/2/2020 | Stake SW and BOC for Utility box placement | 4.00 | 85.00 | 340.00 |
| 63 - Panning, Troy | 3/10/2020 | Calc Staking Data | 1.00 | 145.00 | 145.00 |
| 63 - Panning, Troy | 3/11/2020 | Stake pipe crossings & ROW for MUD water line placement. QA/QC. | 5.00 | 145.00 | 725.00 |
| 63 - Panning, Troy | 3/13/2020 | Stake out water lines for MUD. | 2.00 | 145.00 | 290.00 |

| Project | R050728.00 | Bennington 156th Street Administration | Invoice | | 116026 |
|--|------------|--|---------|---------------------------|-------------------|
| 63 - Panning, Troy | 4/2/2020 | .75 | 145.00 | 108.75 | |
| Calc staking data for Century Link to place their utilities. | | | | | |
| 50 - Taft, Kenneth | 4/2/2020 | 4.00 | 110.00 | 440.00 | |
| Stake sidewalk, back of curb, and pipe for century link | | | | | |
| Totals | | 16.75 | | 2,048.75 | |
| Total Labor | | | | | 2,048.75 |
| | | | | Total this Phase | \$2,048.75 |
| | | | | Total this Project | \$6,828.75 |
| | | | | Total this Report | \$6,828.75 |

Bennington 156th Street Project Tracker



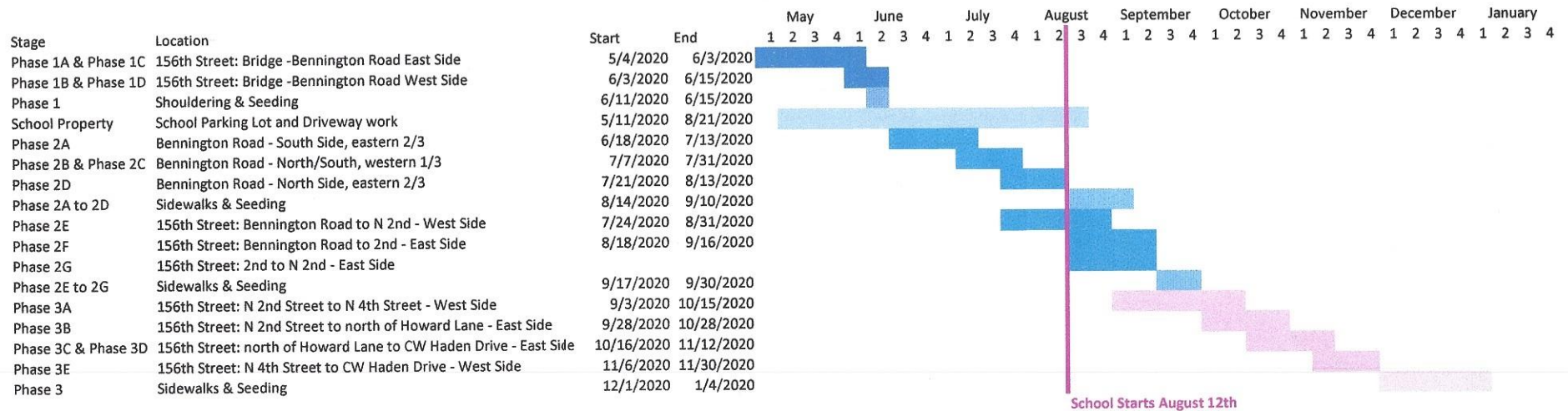
May-20

| 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) |
|---|-------------------------|--------------|-----------------|------------------|--------------------|---|
| Right of Way - Condemnations - Anytime Fitness | City Attorney | Jeff Miller | 11/26/2019 | TBD | 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. The property owners are appealing the award by the appraisers. A hearing date has not been set yet on this. |
| 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. |
| Utility Relocations - MUD | | | 3/15/2020 | | Under Construction | 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 |
| Utility Relocations - Project Staking | JEO-Survey | Julie Ogden | | | Complete | JEO will complete staking as needed for the project relating to utility relocations. The Contractor is responsible for construction staking on the project. They will now stake items for utilities. |
| Project Letting - Approve Agreement with Contractor | City Council | Mindi Laaker | | 3/9/2020 | Complete | The resolution was approved. Contracts are completed 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. Bonds were approved in April and funds should be available later this week. |
| Project Reimbursement from School District | City Clerk | Mindi Laaker | 3/1/2020 | 5/15/2020 | In Process | The City sent the School District an invoice for 100% 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. We expect payment from the school soon. |
| Relocate Food Pantry Box | City Public Works Dept. | John Bohrer | 4/1/2020 | 4/3/2020 | Complete | 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 has been moved. |
| JEO Coordination with NDOT Inspectors | JEO-Transportation | Julie Ogden | 4/1/2020 | 1/4/2020 | On-Going | Weekly progress meeting have been scheduled for Tuesday Mornings at 10 am starting May 12th. |

| Task | Responsible Party | Assigned To | Estimated Start | Estimated Finish | Status | Task Comments <i>(Note: Text in red indicates it has changed since the last status update)</i> |
|-----------------------|-------------------|-------------|-----------------|------------------|----------|---|
| Construction Progress | NDOT | | 4/1/2020 | 1/4/2020 | On-Going | Construction was scheduled to start May 4th. The first week will be mobilizing to site and starting removals. |

Bennington 156th Street Project Schedule (as of 4-30-2020)

CN 22233, Project Number STPC-3805(5)



School Starts August 12th

LEGEND:

- Work that includes the appropriate roadway closure for that phase
- Work that is completed behind the curb with the adjacent roadway open to traffic
- Work that is being completed on school property without any road closures



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k2construction.biz

**ITEM #8 Ordinance No. 487
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 May 11, 2020 and June 8, 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~~ ABANDONED AND TRESPASSING VEHICLES PROHIBITED

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 any vehicles with no license plates or valid In Transit stickers on 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 May 11, 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 June 8, 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 8th day of June, 2020.

MAYOR MATT JOHN

ATTEST:

CITY CLERK MINDI LAAKER

ITEM #9 Ordinance No. 490

Small Wireless

Facilities

PROCEEDINGS AND PASSAGE OF ORDINANCE NO. 490:

The Mayor and City Council of the City of Bennington, Nebraska, met in regular session on May 11, 2020 and June 8, 2020, at 6:30 p.m., at the Bennington City Office, 15505 Warehouse Street, and acted on the following described ordinance.

ORDINANCE NO. 490

AN ORDINANCE OF THE CITY OF BENNINGTON, NEBRASKA, ADOPTING AND CODIFYING A NEW ARTICLE VII TO CHAPTER V OF THE CITY OF BENNINGTON MUNICIPAL CODE ENTITLED “TELECOMMUNICATIONS – SMALL WIRELESS FACILITIES” AND PROVIDING REGULATIONS FOR THE CITY OF BENNINGTON’S PROCESSING OF APPLICATIONS FOR AND FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES BY TELECOMMUNICATIONS COMPANIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. That a new Article VII to Chapter V of the City of Bennington’s Municipal Code entitled “Telecommunications – Small Wireless Facilities” and providing regulations for the City of Bennington’s processing of applications for and for the deployment of small wireless facilities by telecommunications companies, is hereby adopted, enacted and codified in the City of Bennington’s Municipal Code as follows:

ARTICLE VII – TELECOMMUNICATIONS – SMALL WIRELESS FACILITIES

SECTION 5-701: FINDINGS AND PURPOSE

- A. The City Council finds that it is necessary to achieve a balance between the telecommunications needs of the City’s citizens, and the orderly, safe, and aesthetic deployment of small wireless facilities by telecommunications companies. The deployment of small wireless facilities is expected to enable the provision of improved and enhanced wireless services to citizens and visitors in the City. The FCC has encouraged and required the adoption of policies supporting the deployment of small wireless facilities, in its September 27, 2018 Declaratory Ruling and Third Report and Order, WT Docket Nos. 17-79 and 17-84. Also, Nebraska Legislative Bill 184 (2019) imposed new limits on the local regulation of small wireless facilities. Those actions encourage the placement of such small wireless facilities in public rights of way.
- B. The City is responsible for the safe and aesthetic maintenance of its public rights of way, for the benefit of the public and for the protection of public health, safety, and welfare. Public rights of way are a finite resource, and are subject to demands from competing interests. It is necessary to govern their use in a fair, safe, and orderly manner. This

includes the proposed use of public rights of way for telecommunications purposes. The City is also responsible for the processing and review of proposed telecommunications uses for properties other than public rights of way, with the objective of protecting public health, safety, and welfare.

- C. It is therefore appropriate to adopt these rules and regulations for the processing and review of applications for proposed small wireless facilities, both on public rights of way and on other properties, and for the safe, responsible, and fair deployment of small wireless facilities on public rights of way and on other properties, and to comply with and adopt provisions stated in the said September 27, 2018 FCC Order and Nebraska Legislative Bill 184 (2019).

SECTION 5-702: DEFINITIONS

For the purposes of this Article, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. The purpose of these definitions is to promote consistency and precision in the interpretation of this Article. The meanings and construction of words as set forth shall apply throughout this Article, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

ACTION or TO ACT -- The City's grant of an application or issuance of a written decision denying an application.

ANTENNA -- Communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

APPLICABLE CODES -- Any uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with federal or state law and to the extent such codes have been adopted by the City and are generally applicable in the City.

APPLICANT -- Any person who submits an application and is a wireless provider.

APPLICATION -- A written request submitted by an applicant to the City (1) for a permit to collocate small wireless facilities on an existing utility pole or support structure, or (2) for a permit for approval for the installation, modification, or replacement of a utility pole or support structure to support the installation of a small wireless facility.

AUTHORIZATION -- Any approval that the City must issue under this Article and applicable codes prior to the deployment of a small wireless facility, along with any associated antenna equipment and support structure, including, but not limited to, zoning approval, building permit, and permit under this Article.

CANTENNA -- A cylindrical shaped antenna.

COLLOCATE or COLLOCATION -- To install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a support structure or utility pole. Collocate or collocation does not include the installation of a new utility pole or new support structure in the right of way.

COMMUNICATIONS FACILITY -- Any set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C. 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.

COMMUNICATIONS NETWORK -- A network used to provide communications service.

COMMUNICATIONS SERVICE -- A cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.

COMMUNICATIONS SERVICE PROVIDER -- A cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.

DECORATIVE POLE -- A utility pole that is owned, managed, or operated by or on behalf of the City, and which is specially designed and placed for aesthetic purposes.

DEPLOYMENT -- Placement, construction, or modification of a small wireless facility.

FCC -- The Federal Communications Commission.

FEE -- A one-time, nonrecurring charge, to be collected upon application.

HISTORIC DISTRICT -- Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission codified at 47 C.F.R. Part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.

LAW -- Any federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

MAKE-READY WORK -- All work, as reasonably determined by the City, required to accommodate a small wireless facility on a utility pole, and to comply with all the City's applicable codes. Such work includes, but is not limited to, modification or replacement of utility poles or lines, installation of guys and anchors, rearrangement of existing equipment, inspections, reasonable consultant fees or expenses, permitting work, design, planning, construction, materials, cost of removal (less any salvage value), tree trimming (other than tree trimming performed for normal maintenance purposes), facility construction, or conduit system clearing, but does not include ordinary maintenance.

MICROWIRELESS FACILITY -- Any small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

ORDINARY MAINTENANCE AND REPAIR -- Inspections, testings and/or repairs that maintain the functional capacity, aesthetic and structural integrity of a facility.

PERMIT -- A written authorization, in electronic or hard copy format required by the City to perform an action, initiate, continue, or complete installation of a small wireless facility on an existing utility pole or an existing support structure, or to install, modify, or replace a utility pole or support structure to support installation of a small wireless facility.

PERMITTEE -- An applicant that has received a permit under this Article, and its successors and assignees.

PERSON -- An individual, corporation, limited liability company, partnership, association, trust, or any other entity or organization.

PUBLIC POWER SUPPLIER -- A public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric utility or a rural public power supplier.

RATE -- A recurring charge, collected on a regular basis such as annually.

REPLACE or REPLACEMENT -- In connection with an existing utility pole or support structure, to replace (or the replacement of) the same with a new pole or structure in conformance with this Article and any other applicable codes, in order to address limitations of the existing pole or structure to structurally support collocation of a small wireless facility.

RIGHT OF WAY -- The area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in § 39-1302, the National System of Interstate and Defense Highways, or a private easement.

RURAL PUBLIC POWER SUPPLIER -- A public power district, a public power and irrigation district, an electric cooperative, or an electric membership association, that does

not provide electric service to any City of the metropolitan class, City of the primary class, or City of the first class.

SIGHT TRIANGLE ZONE -- An area defined by a triangle with legs of thirty feet from the point at which the curbs or edges of two intersecting streets, private ways, trails, sidewalks, courts or an intersecting street, private way, trail, sidewalk or court and driveway meet.

SHOT CLOCK -- The period of time in which the City is required to act on an application.

SMALL WIRELESS FACILITY -- Any wireless facility that meets each of the following conditions: (1) The facilities (a) are mounted on structures fifty feet or less in height including the antennas, or (b) are mounted on structures no more than ten percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than twenty-eight cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. Part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

SUPPORT STRUCTURE -- Any structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. "Support structure" does not include a utility pole.

TECHNICALLY FEASIBLE -- By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.

UTILITY POLE or POLE -- A pole located in the right of way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right of way. Utility pole does not include (1) support structures, (2) any transmission infrastructure owned or operated by a public power supplier or rural public power supplier, and (3) any distribution or communications infrastructure owned or operated by a rural public power supplier.

WIRELESS FACILITY -- Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (a) equipment associated with wireless communications, and (b) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. "Wireless facility" does not include (a) the structure or improvements on, under, or within the equipment which is collocated, (b) coaxial or fiber-optic cable that is between wireless

structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna, or (c) a wireline backhaul facility.

WIRELESS INFRASTRUCTURE PROVIDER -- Any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or support structures, but that is not a wireless services provider.

WIRELESS PROVIDER -- A wireless services provider or a wireless infrastructure provider when acting as a coapplicant for a wireless services provider.

WIRELESS SERVICES -- Any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER -- A person who provides wireless services.

WIRELINE BACKHAUL FACILITY -- An above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

SECTION 5-703: APPLICABILITY

This Article shall apply to all deployments of small wireless facilities on rights of way or other public or private property within the City and its extraterritorial jurisdiction, as amended, annexed or extended from time to time, except as specifically excluded in this section or in this Article. With respect to deployments on rights of way which are owned by another jurisdiction, the City shall coordinate its regulation under this Article with such jurisdiction, by agreement or otherwise, so that only one of the jurisdictions regulates the same. This Article shall not apply to any facility that was in existence and authorized by an agreement with the City as of the effective date of this Article. Notwithstanding this section, the shot clock for an application shall be governed by this Article or by an existing agreement, whichever provides for a shorter shot clock. Notwithstanding this section, application fees and yearly rates shall be governed by this Article or by an existing agreement, whichever provides for smaller fees or rates. Small wireless facilities shall be governed by this Article, and not by other lease requirements of the City or the City's Municipal Code. This Article shall not apply to the design, engineering, construction, installation, or operation of any small wireless facility located in the interior structure or upon the site of any college or university campus, stadium, or athletic facility not owned or controlled by the City, other than to comply with applicable codes. For an application submitted to the State of Nebraska regarding a location within right of way or other property owned or controlled by the State, to the extent that the State seeks a recommendation from the City regarding such application, the City shall apply the location and design standards of section 5-711. The applicant for a location on such State right of way or other property shall provide to the City a copy of the application submitted to the State, but no application fee shall be due. This Article shall not apply to a microwireless facility that is strung on a cable between existing utility poles in compliance with the

National Electrical Safety Code, which may be installed, maintained and operated without a permit or fees; provided, that standard rules regulating the excavation or closing of sidewalks or streets shall apply to the same.

SECTION 5-704: PERMIT REQUIRED

It shall be unlawful for any person to install, maintain, or operate a small wireless facility, unless such person shall have previously obtained a permit under this Article from the City expressly authorizing such small wireless facility. It shall be unlawful for any person to collocate a small wireless facility on or associated with an existing utility pole or support structure, unless such person shall have previously obtained a permit under this Article from the City expressly authorizing the attachment or association of that specific small wireless facility. It shall be unlawful for any person to construct, install, replace, maintain, or operate a new utility pole or support structure to which will be attached or associated a small wireless facility, unless such person shall have previously obtained a permit under this Article.

SECTION 5-705: APPLICATION

- A. Form and content. Application for a permit under this Article shall be filed with the City's Clerk, on a form provided by the City Clerk. On or in addition to that form, an application shall include the following:
- (1) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant.
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the application.
 - (3) A description of the proposed work and the purposes and intent of the proposed small wireless facility.
 - (4) If applicable, written authorization from the owner of the utility pole or support structure on which the small wireless facility will be placed or attached, if not the City. For a utility pole or support structure owned or controlled by the Omaha Public Power District or other owner, the applicant shall provide proof of approval of the specific plans by that District or owner.
 - (5) Detailed construction drawings regarding the proposed small wireless facility, and any associated equipment and utility pole or support structure. The drawings shall show the location, dimensions, elevations, equipment specifications, and attachment methods for the small wireless facility, all equipment, and the utility pole or support structure.

- (6) To the extent the proposed small wireless facility involves collocation on a utility pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure will be modified to meet structural requirements) in accordance with applicable codes.
- (7) For any new above ground antenna equipment, a conceptual rendering of the equipment, including accurate visual depictions and locations, if not included in the construction drawings.
- (8) A full description of any make-ready work to be performed by the City in preparation for the proposed installation and use of the small wireless facility, associated equipment and utility pole or support structure.
- (9) The application fee as required by this Article.
- (10) Bond and certificate of insurance as required by this Article.
- (11) The application form shall include:
 - (a) Language providing for the indemnification of the City by the applicant as required by this Article; and
 - (b) An attestation by the applicant that the small wireless facility shall be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date, unless a delay is caused by lack of commercial power or communications transport facilities to the site, in which case the deadline shall be extended for up to nine months.
 - (c) The applicant's signature on and submittal of the application shall constitute agreement to subsections (a) and (b) above.

B. **Batching.** An applicant may apply for more than one but no more than five small wireless facilities in a single application, provided that all information required by this section is provided for each separate small wireless facility. Application fees shall be paid for each small wireless facility, as provided in this Article.

Each small wireless facility within a consolidated application is subject to individual review, except that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole. If an applicant applies to construct or collocate several small wireless facilities within the jurisdiction of the City, the City shall:

- (1) Allow the applicant, at the applicant's discretion, to file a single set of documents that apply to all of the applicant's small wireless facilities; and
 - (2) Render a decision regarding all of the applicant's small wireless facilities in a single administrative action or proceeding.
- C. Replacement or modification. A permittee shall be required to file an application and pay an application fee for the proposed replacement or modification of an existing small wireless facility, antenna equipment, or associated utility pole or support structure. In such case, the application shall include updated drawings of the facilities showing such replacement or modification. Such proposed replacement or modification shall be reviewed and acted upon by the City as if it were an initial application. This subsection (C) does not apply to the replacement of a small wireless facility with a small wireless facility that is substantially similar in weight or windage or the same size or smaller, in which case no permit, application, or fee is required.
- D. Shot clock. The City shall act on a filed application, and all associated requests, on or before the expiration of the shot clock period.
- (1) The shot clock period for an application is the sum of:
 - (a) Ninety days, plus one additional period of ten business days if requested in writing by the City prior to the expiration of the ninety days; plus
 - (b) Such additional number of days of the tolling period, if any, pursuant to subsection (D)(2) below.
 - (2) Unless a written agreement between the applicant and the City provides otherwise, the tolling period for an application, if any, is as set forth below:
 - (a) If the City notifies the applicant in writing on or before the twentieth day after submission that the application is incomplete, and specifically identifies the missing documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the City to render the application complete.
 - (b) Subsequent findings of incompleteness shall further toll the shot clock from the time the City sends written notice of incompleteness until the time the applicant provides the missing information.
 - (c) If the applicant submits new or additional documents or information that include material changes not otherwise required by the City, a

new application and application fee shall be submitted.

(3) The shot clock deadline for an application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to this subsection (D); provided, that if the deadline calculated in this manner falls on a weekend or holiday, the deadline shall be the next business day after such date. The term "business day" means any day that is not a weekend day or holiday.

E. Permit issuance. Approval of an application authorizes the permittee to maintain and operate the small wireless facilities and any associated utility pole covered by the permit for a period of five years, subject to applicable relocation requirements and the permittee's right to terminate at any time. At the end of each such term, such permit shall be considered automatically renewed for an equivalent duration so long as the permittee complies with the criteria of this Article as of the time the permit was issued.

SECTION 5-706: FEES

A. Application fees.

(1) An application for a permit under this Article for the collocation of a small wireless facility on an existing utility pole or support structure shall be accompanied by an application fee in the amount of \$500.00 for up to five small wireless facilities, plus \$100.00 for each additional small wireless facility.

(2) An application for a permit for one new, modified, or replacement utility pole or support structure intended to support one or more small wireless facilities, and for one small wireless facility to be placed on such pole or structure, shall be accompanied by an application fee of \$250.00 per pole or structure.

B. Annual rates. A permittee who does not pay the City any occupation taxes shall pay to the City an annual rate of \$20.00 for each small wireless facility attached to a utility pole in City right of way, and an annual rate of \$250.00 for each small wireless facility located anywhere else in City right of way or City property. A permittee who does pay the City any occupation taxes shall not be required to pay to the City an annual rate. The annual rate shall be paid by or before January 1, in advance for the ensuing year.

C. Reimbursement of direct costs. If the applicant or permittee excavates or damages City right of way or other City property and the City repairs such excavation or damage, the applicant or permittee shall reimburse to the City the actual cost of such repair, as provided in Section 5-710.

SECTION 5-707: INTERFERENCE, REMOVAL, AND ABANDONMENT

- A. In the event that any facility of a permittee on City right of way or City property obstructs or hinders the usual travel or public safety or obstructs the legal use of such right of way or property by utilities or other authorized users, the City may provide written notice to the permittee of such interference and of the need to resolve such interference. In the event that any such facility of the permittee causes any radiofrequency interference to any City facilities or other uses of City right of way or City property, the City may notify the permittee in writing of such interference and the need to resolve such interference. Upon service of any notice under this subsection, the permittee shall remedy such interference within ninety days or, in the case of an emergency, within such shorter time period as directed by the City. If such interference is not resolved in a timely manner, the permittee shall, at its own expense, remove its facilities from that location. In such case, the permittee may apply for the relocation of similar facilities at another location, without payment of an application fee.
- B. Within ninety days following written notice from the City, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its facilities, whenever the City has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance or installation of any City improvement in, under or upon the public right of way. The permittee shall be responsible to the City for any damages or penalties the City may incur as a result of the permittee's failure to remove or relocate the facilities as required in this subsection.
- C. The City retains the right and privilege to cut or move any facility of the permittee located within the public right of way or on City property, as the City may determine in its sole discretion to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the City shall notify the permittee and give the permittee an opportunity to move its own facilities prior to cutting or removing the facilities. In all cases the City shall notify the permittee after cutting or removing the facilities as promptly as reasonably possible.
- D. The permittee may abandon its facilities at a location. The permittee shall notify the City of abandonment of any facility at the time the decision to abandon is made, but in no case shall such notification be made later than thirty days prior to abandonment. The permittee shall, within thirty days of such notice, remove its facilities at the permittee's own expense, unless the City determines and states in writing, in its sole discretion, that any part of the facilities may be abandoned in place. The permittee shall remain solely responsible and liable for all of its facilities until they are removed from the public right of way unless the City agrees in writing to take ownership of the abandoned facilities. For the purpose of this subsection, abandonment of facilities and cancellation of the related permit shall also be deemed to have occurred after such facilities are not used for a period of one year.

- E. If the permittee fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its facilities or remove any of its abandoned facilities as required in this section, the City or its contractor may do so. In such case, the permittee shall pay all reasonable costs related to such work.

SECTION 5-708: INDEMNIFICATION

In submitting an application and maintaining and operating its facilities, the permittee agrees to indemnify, defend and hold the City harmless from all claims, costs, damages, demands, suits, judgments, court costs and costs of defense, including attorney fees, which arise out of, in whole or in part, the permittee's acts or omissions pursuant to its permit or this Article, or which arise out of, in whole or in part, the installation, construction, operation, or maintenance of the permittee's facilities, whether or not any act or omission complained of is authorized, allowed, or prohibited by the permit or this Article. Permittee's indemnity shall not apply to any loss or damage resulting from the negligence or willful misconduct of the City or its employees, contractors, or agents. The application to be signed by the applicant shall contain the indemnification language stated in this section.

SECTION 5-709: INSURANCE

- A. Upon and after application, the permittee of a permit under this Article shall procure and thereafter continuously maintain for as long as any permit in its favor remains in effect, at the permittee's expense, commercial general liability insurance per ISO form or its equivalent with a limit of at least \$2,000,000.00 per occurrence and at least \$2,000,000.00 general aggregate for bodily injury (including death) and property damage, including explosion, collapse and underground property damage. Upon receipt of notice from its insurer(s), the permittee shall provide the City with thirty days prior written notice of any prospective cancellation of the policy, unless the required coverage is immediately replaced. A certificate of insurance shall be provided with the application. The policy shall be available for review by the City upon request. The policy shall include the City as additional insured as its interest may appear under this Article.
- B. Upon and after application, the permittee of a permit located on right of way or other City property shall provide and maintain in effect a bond naming permittee as obligor, with a surety, in favor of the City, in the minimum amount of \$50,000.00, to cover all permitted sites of the permittee. The surety of the bond shall be a surety company licensed to do business in Nebraska. The bond shall be conditioned:
 - (1) That the permittee and its successors or assigns shall indemnify, defend, and hold the City harmless from all claims, costs, damages, demands, suits, judgments, and court costs and costs of defense, including attorney fees, which arise out of, in whole or in part, the permittee's acts or omissions pursuant to its permit or this

Article, or which arise out of, in whole or in part, the installation, construction, operation, or maintenance of the permittee's facilities, whether or not any act or omission complained of is authorized, allowed, or prohibited by the permit or this Article.

- (2) For the maintenance of the sidewalk or public right of way.
- (3) For the compliance with all applicable laws regarding the permitted facilities and the use of the City right of way or other property.
- (4) For the return of the sidewalk, street, right of way or other public property to its condition prior to the permit.

SECTION 5-710: PERMITTEE DUTIES

As a condition of the issuance of a permit under this Article, the permittee shall perform the following duties:

- A. Small wireless facilities and associated communications facilities, utility poles and support structures shall be located, installed and maintained so that they do not materially endanger the lives, health or safety of persons, or materially interfere with any public improvements the City or other governmental entities (including any traffic control devices or signs, gas, electric, storm water, sanitary sewer or water utilities or enterprises) have in place or may deem proper to make. The location, installation or maintenance of the small wireless facility and associated communications facilities, utility pole and support structure shall not hinder or obstruct the usual travel or public safety on right of way, or obstruct the legal use of right of way by utilities or the safe operation of their systems or provision of service.
- B. All small wireless facilities and associated communications facilities, utility poles, and support structures shall be located, installed, and used so as to cause minimum radiofrequency interference with the rights and reasonable convenience of other users of rights of way and of owners' property which adjoins rights of way, except to the extent such interference is specifically authorized by federal law.
- C. All construction, excavation, maintenance and repair work done by the permittee shall be done in a safe, workmanlike and expeditious manner which minimizes inconvenience and danger to the City, the general public and individuals. All such construction, excavation, maintenance and repair work done by the permittee shall comply with all applicable codes and laws. The City shall have the right to inspect all construction or excavation work to ensure compliance with applicable codes, laws, and permits, and may order the permittee to perform corrective work. All right of way or other City property disturbed by permittees' activities shall be promptly restored by the permittee at its expense to its former condition, subject to inspection by the City. If the permittee fails to

make required repairs, the City may give the permittee written notice of the required repairs. If after such notice the permittee fails to make the required repairs within fourteen days, the City may make the repairs, and the permittee shall pay the City the reasonable documented cost of such repairs. The City shall grant the permittee a ten day extension to perform repairs if requested by the permittee within the original fourteen day period. In the event of immediate threat to life, safety, or to prevent serious injury, the City may immediately undertake to restore the site and then notify the permittee and charge the permittee for all reasonable restoration costs.

- D. The permittee shall install, construct, maintain and operate its small wireless facilities and associated communications facilities, utility poles, and support structures in a safe manner providing reasonable protection against injury or damage to any and all persons or property.
- E. Unless otherwise specified in the permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Manual on Uniform Traffic Control Devices. The permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is filled and finished to the satisfaction of the City, or as otherwise directed by the City.
- F. All construction and use of the small wireless facilities and associated communication facilities, utility poles, and support structures shall comply with the permit and the approved final plans and specifications. Upon completion of installation of the small wireless facilities and associated communication facilities, utility poles and support structures, the permittee shall notify the City's Clerk within three business days of the completion of said work so that the City may conduct an inspection as provided for above. The City will perform any such inspection within five business days. Any construction that does not conform to the permit and the approved final plans and specifications shall be reconstructed or repaired to conform to the permit and the approved final plans and specification within five business days. If the construction and use of the small wireless facilities and associated communication facilities, utility poles, and support structures continues to fail to conform to the permit and the approved final plans and specifications, the City may revoke the associated permit until such time as the work is in conformance.
- G. If a new utility pole or support structure is to be built for the sole or primary purpose of supporting a small wireless facility, such pole or structure shall comply with all applicable codes.

SECTION 5-711: LOCATION AND DESIGN STANDARDS

The City desires to promote aesthetically acceptable and area conforming wireless facilities using the smallest and least intrusive means available to provide small wireless services to the community. All facilities in the public right of way must comply with all applicable provisions in this section.

A. All small wireless facilities shall meet the following requirements:

- (1) Antennas must be top-mounted or side-mounted and concealed within a radome (a structural, weatherproof enclosure that protects an antenna and is constructed of material that minimally attenuates the signal transmitted/received by such antenna) or otherwise concealed to the extent feasible. Cable connections, antenna mounts and other hardware must also be concealed. The radome or other concealment elements must be non-reflective and painted or otherwise colored to match the existing support structure.
- (2) Each antenna shall be no more than three cubic feet in volume. All other equipment associated with a small wireless facility, whether ground-mounted or pole-mounted, shall be no more than twenty-eight cubic feet in volume.
- (3) The color of the small wireless facility shall reasonably match the color of the utility pole or support structure upon which it is attached.
- (4) There shall be no advertising or signs on the small wireless facility, except for equipment logos, specifications, or maintenance instructions that are generally not readable from the ground or from ten feet away, and except for signage required by the FCC.
- (5) A small wireless facility shall be mounted at a height no more than the greater of (a) 50 feet, including the antenna, or (b) five feet above an existing utility pole in place as of the effective date of this Article and located within five hundred feet in the same right of way.
- (6) Cantennas shall be no more than twelve inches in diameter and forty-eight inches in height.
- (7) If an antenna of the small wireless facility is side-mounted, it shall not protrude more than eighteen inches outside the pole, and shall not exceed the height of the pole.
- (8) The small wireless facility and all associated equipment mounted to the outside of a pole or support structure shall be at least eight feet above grade, excluding the disconnect switch.

- (9) Collocations between wireless service providers on the same support structure is required wherever technically feasible. If an applicant chooses to not collocate in areas where options are or appear to be available, the applicant must document that collocation is technically infeasible.
 - (10) Cabling shall be located within conduit or inside the pole or support structure to as great a degree as possible, and otherwise shall be as flush to the pole or support structure as possible. Any support arms shall use flanges or channels to conceal exterior cables and passive radiofrequency gear. Shrouds, sleeves, or ninety degree connectors shall be used to prevent exposed cables.
 - (11) A small wireless facility shall include a disconnect switch. The disconnect switch shall be no more than twelve cubic inches in size, shall be painted the same color as the pole or support structure, and shall be mounted on the pole or support structure at a maximum height of six feet above grade, unless otherwise directed by the City.
 - (12) Unless otherwise required by the City, or for compliance with FAA or FCC regulations, small wireless facilities shall not include any lights or lighting.
 - (13) A small wireless facility may be placed on an existing utility pole that exists within a sight triangle zone as of the effective date of this Article; provided, that any replacement pole replacing such an existing utility pole shall be relocated outside of the sight triangle zone.
- B. A new or replacement utility pole for a small wireless facility, referred to in this subsection as a “new pole,” shall be subject to the following requirements:
- (1) The new pole shall meet the generally applicable standards for such poles as established by the owner of such poles.
 - (2) The new pole shall comply with applicable codes of general applicability.
 - (3) The new pole shall be reasonably similar in color, design, size, scale, material, style, and arm structure to the nearest adjacent existing poles; provided, that there shall be no new installations of wooden poles.
 - (4) A new pole replacing an existing decorative pole shall conform to all non-discriminatory design aesthetic features of the existing decorative pole.
 - (5) The height of a new pole shall not exceed the greater of (a) five feet above the tallest existing utility pole in place as of the effective date of this Article located within five hundred feet of the new pole in the same right of way, or (b) fifty feet above ground level.

- (6) The diameter of the new pole shall be no more than fourteen inches; provided, that the bottom sixty-six inches of the new pole may be no more than eighteen inches in diameter.
 - (7) The new pole shall be in alignment with existing trees, utility poles, and streetlights.
 - (8) The new pole shall be an equal distance between trees when possible, with a minimum of fifteen feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
 - (9) The new pole shall be placed with appropriate clearance from existing utilities, to accommodate the passage of traffic in the right of way and any work done on or around the facilities.
 - (10) The new pole shall be placed outside of a thirty foot clear sight triangle zone where pedestrian trails, sidewalks, and streets intersect.
 - (11) The new pole shall be placed so as not to be located along the frontage of a Historic District.
 - (12) The new pole shall not be placed within fifty feet of the apron of a fire station or other emergency service responder facility.
 - (13) In accordance with existing standards for street light poles, and provided it does not result in an effective prohibition of service, a new pole shall be located no closer than one hundred fifty feet from an existing street light pole on an arterial or collector street, and no closer than one hundred feet from an existing street light pole on a local or residential street. This requirement shall not prevent the replacement of light poles that are in place as of the effective date of this Article that do not meet this spacing requirement.
 - (14) A new pole shall not be located within seven feet of an electrical conductor unless the applicant obtains the written consent of the entity that owns or manages the electrical conductor.
- C. All small wireless facilities, and all of their associated equipment, ground equipment, communications facilities, and utility poles and support structures, shall comply with the following requirements:
- (1) So as not to impede or impair public safety or the legal use of the right-of-way by the traveling public, ground mounted equipment must be installed below grade or concealed in a ground-mounted cabinet. Ground mounted cabinets must comply with the following design standards:

- (a) In areas with curb and gutter, ground mounted equipment shall not be located closer than four feet from the pavement or face of curb, and shall not be located closer than two feet from a sidewalk, bike lane, or shared-use path as measured to the nearest part of the equipment.
 - (b) In areas with open ditches, ground mounted equipment shall be located at least one foot inside the right-of-way line.
 - (c) Ground mounted equipment shall be placed outside of all sight triangle zones.
 - (d) Ground mounted equipment locations shall be located a minimum of twelve feet from driveway aprons as measured parallel to the right-of-way.
 - (e) Ground mounted equipment shall be consistent with any applicable design standards of the Omaha Guidelines and Regulations for Driveway Locations, Design and Construction, which are incorporated herein for these specific purposes only.
 - (f) Ground mounted equipment must be secured to a concrete foundation or slab with a breakaway design allowing the equipment to disconnect from the foundation or slab in the event of collision or impact.
 - (g) Screening of ground mounted equipment with a variety of plant material may be required based on the characteristics of the surrounding area.
 - (h) All proposed ground mounted equipment shall be subject to the City's landscaping installation and maintenance requirements as set forth in City Zoning Regulation 7.09 and based on the surrounding context, and where required, for appropriateness of the proposed planting plan and plant specifications.
- (2) Such items shall not materially interfere with sight lines or clear zones for air or land transportation or pedestrians.
 - (3) Such items shall not obstruct or hinder the usual travel or public safety on right of way, or obstruct the legal use of right of way by utilities or the safe operation of their systems or provision of service.
 - (4) Such items shall not violate or materially interfere with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state

standards regarding pedestrian access or movement.

(5) Such items shall comply with applicable codes of general applicability.

SECTION 5-712: MAKE-READY WORK

- A. In its application, the applicant shall identify any make-ready work proposed to be performed by the City. Within one hundred twenty days after receipt of a completed application, the City shall provide a preliminary good faith estimate of the cost of such make-ready work to be paid by the applicant to the City. The applicant shall pay to the City the amount of the estimated cost. Make-ready work to be performed by the City shall be completed within ninety days after written acceptance of the good faith estimate by the applicant. Upon the City's completion of the make-ready work, the applicant shall pay the City, or the City shall refund to the applicant, as the case may be, the difference between the cost estimate paid and the actual cost. Total fees shall not exceed actual costs of the make-ready work. Alternatively, the City and the applicant may agree that the applicant or a party other than the City may perform the make-ready work, subject to the City's approval before and after the work.

- B. The City may require replacement of the utility pole if it determines that the collocation would make the utility pole structurally unsound. The person owning the utility pole shall not require more make-ready work than required to meet applicable codes and industry standards.

SECTION 5-713: ASSIGNMENT

A permittee may assign its rights to a permit, small wireless facility, and associated equipment or structures it owns, to an assignee. Such assignment shall not be effective until the applicant and the assignee sign and file with the City's Clerk a notice of assignment, containing:

- A. The assignee's name, address, telephone number, and e-mail address, including emergency contact information.

- B. Exact location of all small wireless facilities and associated equipment or structures being assigned.

SECTION 5-714: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Article, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every twenty-four hours of such failure to

comply.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of Bennington hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 3. Any City of Bennington Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in full force and take effect after passage, approval and publication hereof as provided by law.

Following the introduction on May 11, 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 June 8, 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. 490 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 8th day of June, 2020.

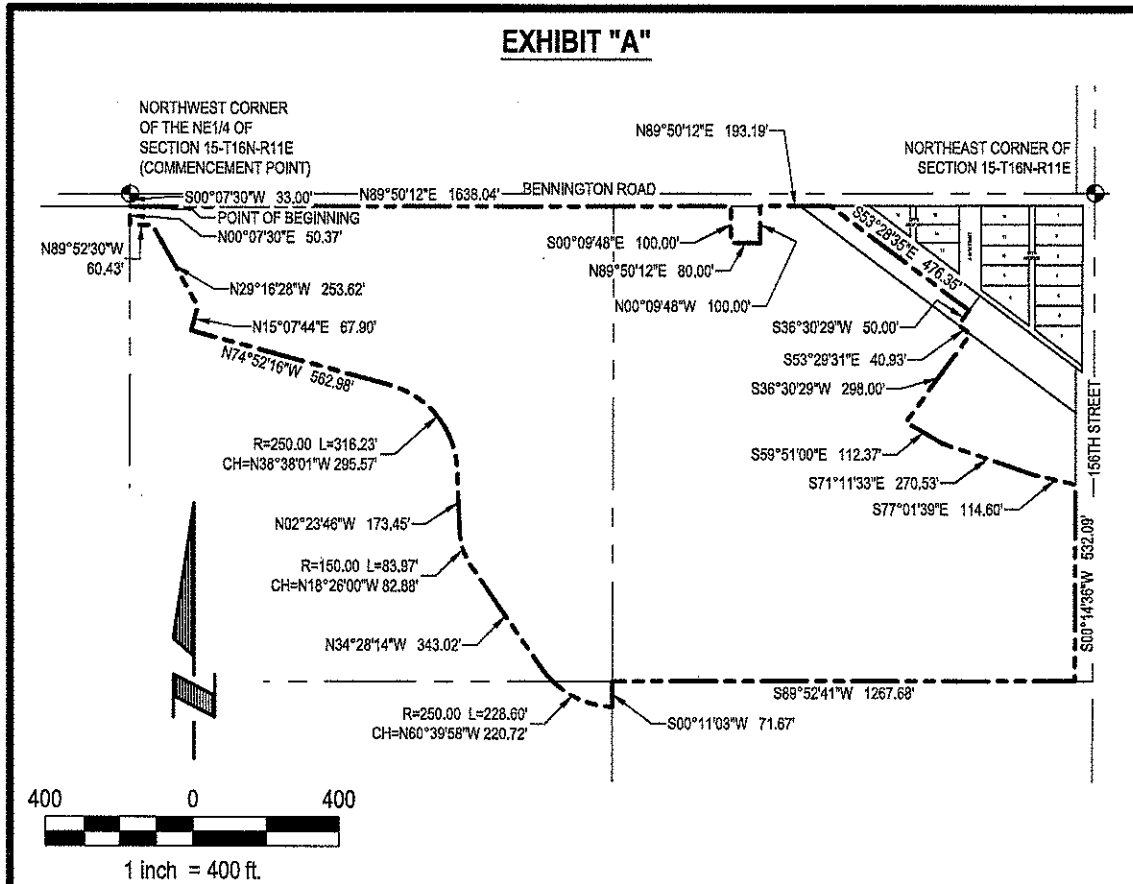
MAYOR MATT JOHN

ATTEST:

CITY CLERK MINDI LAAKER

ITEM #10 Real Estate for Recreational Use

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 NORTHEAST CORNER OF SAID SW1/4 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 253.62 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.

| | | |
|--|---|---|
|  E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services | E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.885.4700 • Fax: 402.885.3599 | LEGAL DESCRIPTION PART OF THE NE1/4 OF SECTION 15-T16N-R11E DOUGLAS COUNTY, NEBRASKA |
| Drawn by: RLS Chkd by: EAS Date: 03/03/2020 Job No.: P2019.032.002 | | |



Architecture Engineering Planning Interiors

6457 Frances Street, Suite 200
Omaha, NE 68106

February 4, 2020

Mr. Tyler Hevlin
City of Bennington
City Engineer
thevlin@jeo.com

Re: Proposal for City Bennington Sports Complex

Dear Mr. Hevlin:

DLR Group is pleased to submit our proposal to provide services for Concept Design and associated project management for the above referenced project. The site is the southwest area of the intersection bounded by 156th Street and Bennington Road. Included herein is the proposed Scope of Work for providing the Concept Design Services you have requested.

The following defines the Scope of Work for the Agreement between the City of Bennington and DLR Group/Olsson.

Scope of Work for Soccer Fields and Sports Complex

1. The Project includes Project Management, Concept Design, and coordination of Concept Design with JEO, E&A Engineering, DLR Group and Olsson.
2. The Project includes Concept Design within the area not included in the plat as prepared by E&A Engineering.
3. The Project includes Concept Design layout of site appurtenances including, but not limited to soccer fields, parking, rough grading including land form berms, vertical structures, landscape and site circulation.
4. DLR Group's work will be performed in collaboration with Olsson, Inc. and rely on Olsson's preliminary site planning and concept due diligence.
5. Olsson, DLR Group's consultant, Scope of Work is attached herewith and describes the work they will perform as a part of this Agreement.
6. DLR Group will work with the Bennington Community Foundation and their stakeholders to arrive at a preliminary program describing the elements of the Community use spaces to be included as part of the Concept Design.
7. Provide rough magnitude of cost for the site development and sport complex.

Exclusions:

1. Entitlements, permitting and additional detailed drawings as enumerated on the Olsson Scope of Work and their exclusions.
2. Any kind of schematic level drawings of site elements beyond those at a concept level.
3. Any costing or rough magnitude of cost for site development components.
4. Any construction details of site work including field design and construction.
5. Any structural, mechanical, electrical and plumbing design services.
6. Items not specifically included in the Scope of Services above.

T. Hevlin Tyler Hevlin *SM* Stan Meredith

Delete *T. Hevlin* Tyler Hevlin

SM Stan Meredith

Standard Terms and Conditions

1. Standard Terms and Conditions apply as outlined in Exhibit A - Standard Terms and Conditions

Deliverables:

1. One (1) final Concept Plan printed and submitted in digital format.
2. Three (3) Concept Imagery Drawings (renderings), printed and submitted in digital format.

Page 2

Mr. Tyler Hewlin
City of Bennington

Schedule

Unless otherwise directed, DLR Group would continue it's service which commenced, January 20, 2020 as authorized by Mayor John. DLR Group would expect Scope of Service to be completed in about Sixty (60) days.

Compensation

For DLR Group's Basic Services as described in Scope of Services, the City of Bennington shall compensate DLR Group (Including Olsson's Scope of Work -- Exhibit D -- Olsson Proposal Letter for Professional Services) as follows:

Hourly, not to exceed Forty-Nine Thousand Nine Hundred Dollars (\$49,900.00).

Compensation for Reimbursable Expenses

Reimbursable Expenses are in addition to compensation for Basic Services and include expenses incurred by DLR Group directly related to the Project, as defined in Exhibit C - Prevailing Reimbursable Expenses. For Reimbursable Expenses the compensation shall be the expenses incurred by DLR Group plus ten percent (10%) of the expenses incurred. Olsson's Reimbursable Expenses to be as enumerated in their Proposal Letter for Professional Services -- Exhibit D to DLR Group.

Payments to DLR Group

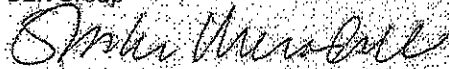
Payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of DLR Group's monthly invoice.

Additional Services

In the event the City of Bennington requests additional studies or additional reviews by the Architect or other disciplines, services will be invoiced Hourly at the rates defined in Exhibit B -- DLR Group Hourly Billing Rates and the schedule shall be amended accordingly. DLR Group will not proceed with Additional Services until approved in writing.

Please let us know if you have any questions and thank you for the opportunity to work on this milestone Project for the City of Bennington.

Sincerely,
DLR Group



Name: Stanley Meredith, FAIA
Vice President

Date: February 4, 2020

With your approval of this Proposal, you acknowledge the terms outlined herein.

City of Bennington

By

Signature: 

Name: Matt John

Date: 2-10-2020

Encl: Exhibit A - Standard Terms and Conditions
Exhibit B - DLR Group Hourly Billing Rates
Exhibit C - Prevailing Reimbursable Expenses
Exhibit D - Olsson Proposal Letter for Professional Services

**ITEM #11 Pedestrian Safety
Molley/Stark Sts.**



MEMO

To: Mayor and Council
CC: Mindi Laaker, City Clerk & John Boher, Public Works Director
From: Julie Ogden & Tyler Hevlin
Date: May 7, 2020
Subject: Pedestrian Safety/Sidewalks in the area of 156th Street to Allen Street and Bennington Road to the north (Prairie Hollow)

We have prepared the attached map for your reference on what our observations were from a recent site visit. There are a number of sidewalks in this area but there are also some significant gaps. This area was developed some time ago when sidewalk construction was most likely not required or the Council and Developer at that time agreed not to construct the walks. Sidewalks along existing lots (developed by others) are typically not the responsibility of adjacent Developer's to construct. The Developers (with recent subdivisions) do have a responsibility (based on the Subdivision Agreement) to construct sidewalks within the development on outlots in conjunction with the adjoining streets. Otherwise the lot owners construct their own sidewalks with the construction of their houses.

If the Council would like to consider building sidewalks, the process has two main options:

1. The City pays 100% for the construction of the walks. In this case no cost is assessed to the property owner. As we understand it, the property owner would then be required to maintain the sidewalks by City regulations.
 - a. If the City funds this improvement with cash (a.k.a. does not borrow money), then the process may move forward without the creation of a Sidewalk Improvement District.
 - b. If the City borrows the money for the improvements (a.k.a. bonds the project), a Sidewalk Improvement District will most likely need to be created, even though there is not a proposed assessment. This does have the chance that the property owners within the District could object to the creation and cause the project to not proceed.
2. If the City desires to assess all or some portion of the improvement costs to the adjacent property owners, a Sidewalk Improvement District is proposed by the Council and is subject to objections from the property owners (just like a street improvement district). If the District is approved, then the City may borrow money for the project and may assess the property owners for the costs of the sidewalks.
3. There is another sidewalk district per State Laws 19-2417 thru 2419 where there are no objections or protests that can stop it. Bonds can be issued and assessments can be made. But those Laws also have specific requirements for the sidewalk bonds which may make that process not useable. We can consult with John Trecek about it if the Council wants to explore that option.
4. A third option involves the City ordering each lot owner to construct a sidewalk and if they do not then the City construct the sidewalk and assesses the costs against the lot, which is a more complicated lot-by-lot process.

Plans and specifications will need to be prepared and a public bid letting will need to be conducted, as the costs of this project exceed the statutory limit the City may spend without conducting a public bid process.

Pedestrian Safety Discussion Molly, Stark and 2nd Street

Legend:

- Existing Sidewalks
- 156th Street walks
- Prairie Hollow walks
- Future walks

 Locations with challenges



ret. wall needed to build sidewalk

ret. wall needed to build sidewalk

ret. wall needed to build sidewalk

ret. wall needed to build sidewalk

short ret. wall needed to build sidewalk

ret. wall needed to build sidewalk

large hill, ret. wall needed to build sidewalk

Sidewalk must go around on street parking.

drainage ditch to be filled in for walk

ret. wall needed to build sidewalk

**ITEM #12 Tuition
Reimbursement
Personnel Manual**

TUITION REIMBURSEMENT/TRAINING COURSES

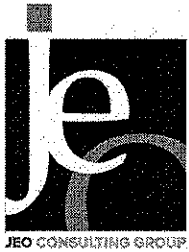
Full-time employees shall be eligible for the Educational Development Program at colleges, universities, and technical schools upon completion of one successful year of employment.

Upon completion of a "B" average or higher, the City will pay one hundred percent (100%), but no more than \$5,000 annually with no carry over for tuition and/or books at an accredited school for an employee wishing more education in a job-related field with a two year or four year degree pursuit with a maximum lifetime employment reimbursement of \$xx,xxx.xx.

Prior to registration,

- The employee must discuss courses to be taken with the appropriate Director to determine applicability to the job.
- The employee will then present a request form for educational development to the appropriate Director outlining the degree or certificate being pursued.
- If the Director concurs with the request, he/she will present the employee's Educational Development Request form with Director approval and all supporting documentation to the Mayor and City Council for approval and the City Clerk for documentation.
- The Mayor and City Council may accept, alter or deny the request.
- After completion of all course work as agreed upon, the employee will be required to work for the City one (1) year for each year of approved Educational Development?
- The Educational Development Benefit will be paid to the employee on a semester basis. The employee will need to submit a grade report and Institution course itemized receipt within 30 days of semester completion.
- If the employee receives an oral or written performance reprimand of any type, tuition reimbursement will be suspended until further notice.

ITEM #13 General Engineering



Invoice

April 9, 2020
Project No: R090034.03
Invoice No: 116027
Invoice Amount: 5,335.00

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 April 3, 2020

- See Attached Billing Backup for a Breakdown of Time

| | Contract Amount | Percent Complete | Billed-to-Date | Previous Billing | Current Billing |
|--------------------------------------|-----------------|------------------|--------------------|--------------------|-------------------|
| Hourly Phase(s) | | | | | |
| 2020 General Engineering | | | \$19,365.00 | \$14,030.00 | \$5,335.00 |
| Total | | | \$19,365.00 | \$14,030.00 | \$5,335.00 |
| Total Amount Due Upon Receipt | | | | | \$5,335.00 |

Outstanding Invoices

| Number | Date | Balance |
|--------------|-----------|-----------------|
| 115511 | 3/12/2020 | 6,045.00 |
| Total | | 6,045.00 |

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

Billing Backup

Thursday, April 9, 2020

JEO Consulting Group, Inc.

Invoice <Draft> Dated 4/9/2020

9:57:44 AM

| | | | |
|---------|------------|-------------------------------------|-------------------|
| Project | R090034.03 | Bennington General Engineering | |
| Phase | 2020 | 2020 General Engineering | |
| Task | 001 | General Engineering, Meetings, Etc. | |
| | | Total this Task | \$732.50 |
| Task | 005 | Planning and Zoning Assistance | |
| | | Total this Task | \$2,257.50 |
| Task | 012 | Prairie Hollow Development | |
| | | Total this Task | \$115.00 |
| Task | 013 | Logemann Park | |
| | | Total this Task | \$90.00 |
| Task | 015 | Newport Vista | |
| | | Total this Task | \$57.50 |
| Task | 017 | Kempton Creek | |
| | | Total this Task | \$2,082.50 |
| | | Total this Phase | \$5,335.00 |
| | | Total this Project | \$5,335.00 |
| | | Total this Report | \$5,335.00 |

Bennington Public Library
May 11, 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.

Story Walk

We have been wanting to do a story walk in Bennington for some time, and now turned out to be the perfect opportunity. Local children's author Bruce Arant gave us permission to use his book, *Simpson's Sheep Won't Go to Sleep*. Nic Chesnut, owner of Design4 offered to donate the printing of the signs and John Bohrer (City Public Works) was contacted to make sure he was on board. Together, the Chesnut family delivered them and installed them along the soccer field on April 21. Design4 also provided and installed sidewalk signs to encourage social distancing. The story walk has attracted a lot of attention to the library. Douglas County Post-Gazette, Omaha World Herald and the national Weather Channel have covered the story walk. Wednesday, May 6 the Weather Channel featured a live interview about the story walk.

https://www.omaha.com/momaha/bennington-public-library-creates-outdoor-story-walk-for-families-during-coronavirus-outbreak/article_dbf4d1d0-37fa-592c-b8df-4ff562444851.html

<https://dcpostgazette.com/2020/04/29/bennington-public-library-sets-up-story-walk-for-kids/>

<https://www.facebook.com/Benningtonlibrary/videos/553337182276001/>

Summer Reading

Though we don't know if or when we will be able to implement them, we have programs planned for summer reading, including tentative dates in July for community partners (Rose Theatre, Omaha Symphony, Bank of Bennington). Joanne and Heidi are working out the details for different scenarios for delivering/conducting these programs/services with the health and safety of our patrons/staff in mind. Libraries in Nebraska have been offered the chance to use an online reading record app called Reader Zone for free, May 1 – July 31. We are working on customizing it for our library and will offer an online reading log in combination with printed reading logs. The principals at the elementary schools have offered to send a special email to all families with links to print the reading log and sign up for the Reader Zone online program.

Curbside and other services

We have been offering a limited "curbside" service up until now. OPL announced it is providing curbside service at five of its branches. We will be stepping up our "curbside" service by making an official announcement within the week.

We are continuing to 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 work schedule will continue to depend on local DHM and the ways in which we adjust our services to accommodate the needs of our community.)

Joanne has conducted seven Facebook Live storytimes at the usual Thursday 10:30 AM time.

The Pioneer Consortium Koha circulation/collection software system upgrade was a success. We now have a new look for our online catalog and a bit of a learning curve for staff and patrons to get used to the new system. The closure made it possible to weed the collection, cleanup old records and delete inactive patrons just in time.

ITEM #15 Police Report

BENNINGTON POLICE DEPARTMENT



11402 North 156TH Street, P.O. Box 228, Bennington Nebraska 68007

402-238-2067, fax 402-238-2774, chief@benningtonne.com

April 9, 2020-May 7, 2020

Monthly Report

Drew Hilscher, Chief of Police

Calls Statistics By Type**Run Date/Time 05/07/2020 - 10:25****From 04/09/2020 To 05/07/2020**

| Call Type | Description | # of Calls |
|------------------|---------------------------|-------------------|
| MISC | Miscellaneous | 13 |
| SPAS | Special Assignment | 15 |
| INEX | Indecent Exposure | 1 |
| FOUI | Follow Up Investigation | 20 |
| ASSTDCSO | Assist Dcso | 10 |
| ASMO | Assist Motorist | 2 |
| ASCI | Citizen Assist | 10 |
| CRMI | Criminal Mischief | 1 |
| PATROL | Patrol Car Maintenance | 7 |
| ADMI | Supervisory Activity | 7 |
| COVI | Ordinance Violation | 3 |
| PARK | Parking Violation | 1 |
| THMV | Theft From Motor Vehicle | 2 |
| SELECT | Selective Enforcement | 11 |
| CIMS | Civil Standby | 1 |
| DOMASS | Domestic Assault | 2 |
| ASOA | Assist Outside Agency | 3 |
| SUPV | Suspicious Person/Vehicle | 6 |
| CHILD | Child Abuse/Neglect | 1 |
| PURE | Public Relations | 3 |
| TRST | Traffic Stop | 4 |
| ADULT | Adult Abuse/Neglect | 1 |
| WECH | Welfare Check | 1 |
| ANCO | Animal Complaint | 1 |
| LOFO | Property Lost/Found | 1 |
| DWIA | Dwi Alcohol | 1 |
| IMPOUND | Vehicle Impound | 2 |
| RECK | Reckless Driving | 1 |

| |
|--------------|
| Total |
| 131 |

Citation By Type**Run Date/Time 05/07/2020 - 10:44****From 04/09/2020 To 05/07/2020****Officer****Rank****Citation Type****Agency Bennington Police Department****Warning**

| Officer | Citation # | Type | Offense Description | Date | Time |
|---|-------------|----------|---|------------|-------|
| Commit child abuse negligently/no injury : 2 | | | | | |
| Herbolsheimer , Travis | B63 OFF 94 | Citation | Commit child abuse negligently/no injury | 04/23/2020 | 17:51 |
| Herbolsheimer , Travis | B63 OFF 93 | Citation | Commit child abuse negligently/no injury | 04/23/2020 | 18:30 |
| Disobey traffic control device : 1 | | | | | |
| Hilscher, Andrew | B61 CH 89 | Citation | Disobey traffic control device | 04/20/2020 | 12:06 |
| Drive under susp/before reinstated-state : 1 | | | | | |
| Herbolsheimer , Travis | B63 OFF 102 | Citation | Drive under susp/before reinstated-state | 05/02/2020 | 22:30 |
| DUI-.15+ OR refusal (1 prior conviction) : 1 | | | | | |
| Herbolsheimer , Travis | B63 OFF 102 | Citation | DUI-. 15+ OR refusal (1 prior conviction) | 05/02/2020 | 22:30 |
| Muffler required/good working order : 1 | | | | | |
| Hilscher, Andrew | B61 CH 101 | Citation | Muffler required/good working order | 05/01/2020 | 14:45 |
| Possess marijuana 1 oz or less-1st off : 2 | | | | | |
| Herbolsheimer , Travis | B63 OFF 100 | Citation | Possess marijuana 1 oz or less-1st off | 04/27/2020 | 20:13 |
| Herbolsheimer , Travis | B63 OFF 102 | Citation | Possess marijuana 1 oz or less-1st off | 05/02/2020 | 22:30 |
| Speeding 06-10 MPH Municipal : 2 | | | | | |
| Hilscher, Andrew | B61 CH 96 | Citation | Speeding 06-10 MPH Municipal | 04/27/2020 | 12:20 |
| Hilscher, Andrew | B61 CH 98 | Citation | Speeding 06-10 MPH Municipal | 04/27/2020 | 12:40 |
| Speeding 11-15 MPH Municipal : 4 | | | | | |
| Hilscher, Andrew | B61 CH 90 | Citation | Speeding 11-15 MPH Municipal | 04/20/2020 | 15:22 |
| Hilscher, Andrew | B61 CH 91 | Citation | Speeding 11-15 MPH Municipal | 04/20/2020 | 15:36 |
| Hilscher, Andrew | B61 CH 95 | Citation | Speeding 11-15 MPH Municipal | 04/27/2020 | 11:42 |
| Hilscher, Andrew | B61 CH 99 | Citation | Speeding 11-15 MPH Municipal | 04/27/2020 | 13:05 |
| Speeding 16-20 MPH Municipal : 1 | | | | | |
| Hilscher, Andrew | B61 CH 97 | Citation | Speeding 16-20 MPH Municipal | 04/27/2020 | 12:30 |
| Theft-unlawful taking \$0-500 : 2 | | | | | |
| Stocker, Daniel | B62 SGT 92 | Citation | Theft-unlawful taking \$0-500 | 04/21/2020 | 20:10 |

Citation By Type**Run Date/Time 05/07/2020 - 10:44****From 04/09/2020 To 05/07/2020****Officer****Rank****Citation Type****Agency Bennington Police Department****Warning**

| | | | |
|-----------------|------------|--|------------------|
| Stocker, Daniel | B62 SGT 92 | Citation Theft-unlawful taking \$0-500 | 04/21/2020 20:10 |
|-----------------|------------|--|------------------|

Tobacco/Electronic nicotine use-Under 19 : 1

| | | | |
|---------------------------|-------------|--|------------------|
| Herbolsheimer , Travis | B63 OFF 100 | Citation Tobacco/Electronic nicotine use-Under 19 | 04/27/2020 20:13 |
|---------------------------|-------------|--|------------------|

Unlawful/fict display of plate/renew tab : 1

| | | | |
|-----------------|------------|---|------------------|
| Stocker, Daniel | B62 SGT 87 | Citation Unlawful/fict display of plate/renew tab | 04/15/2020 16:23 |
|-----------------|------------|---|------------------|

Total Violations: 19

I hope we can all stay safe and healthy while we are still going through this COVID-19 stuff and hopefully the Murder Hornets stay away!

*We have received all the computer equipment. Kyle is currently working on getting this up and going. Should be about 2 weeks until it is all finished.

*MUD keeps cutting the cox wire at least once a week.

*Received a new Modem from Cox. (Free) The old one was 17 years old

*the AC went out in the office. SW AC is currently fixing it.

*Ofc. Herbolsheimer arrested a male for DUI 2nd Offense and possession of Marijuana.

*We were able to ID the suspects on the car break-ins. Received a signed confession. Assisted DCSO with their investigations on their break-ins. Search warrants were executed and revealed stolen property. Arrests will be made by DCSO as their cases are felonies.

*We have been assisting in "parade" drive-bys

*Mother and Father were cited for Child Neglect

*19 citations were issues (please see attachments)

Andrew Hilscher

Chief of Police

ITEM #16 Public Works Report

PUBLIC WORKS DEPARTMENT REPORT APRIL, 2020

STATE OF THE PUBLIC WORKS DEPARTMENT

- Snow on April 3: intermittent snow with freezing drizzle. We laid down a salt/sand mix at the usual places around town.
- Snow on April 10: skift of snow with ice...laid a few loads of salt and sand mix in the most affected areas.
- Snow on April 16: 6-8 inches of snow...but the temperature was warm enough and I decided not to lay any salt or sand down, saving \$ and by evening, most was gone. No issues.
- Met with Julie, JEO to discuss upcoming pre-construction meeting and potential issues and concerns regarding the 156th St project.
- Mowing season officially started April 1st.
- Graffiti and vandalism under the Bennington Road bridge. We painted over the vast anatomy tutorial and brilliant spelling attempts.
- Held a Mechanics 101 hands on class to demonstrate the correct type and amount of oil to add to our vehicles plus as an added bonus, showed how to do basic maintenance on our mowers. Somehow over the winter, some basics were forgotten.
- Met with Bill Bohn to discuss adding a State Baseball Champion emblem on our City sign located by the Bank of Bennington. He is going to get it added.
- Was told to move the Lil Pantry locate in the south Library parking lot area to a temporary location until 156th Street road construction is completed.
- Responded and spoke with resident at 11906 Ashwood Dr who erected a fence in his backyard without a permit. I also called the fencing company who erected the fence who said they got a permit from Omaha... I require the property owner to have his fence surveyed to prove the property pins were on his property...and not extending into Tim Ohrt, which I believe it is.
- The bar keeper called to complain that the sidewalk door located in front of J Dubs bar was warped again and they were unable to access their booze storage under the bar. I ground the door down to accommodate an easier opening then called for a new door frame box and trapdoor to replace the broken one. The frame is completely broken away and there is no fixing the existing one as the sidewalk has crept into the frame, breaking all the welds and warping the frame. At some point, it will stop working all together and we need to tear out and replace the concrete panel as a complete fix.

- Removed and hauled away the cut and downed tree debris located on the banks of the Papio by the Bennington Road Bridge.
- Ordered and picked up 18 gallons of car wash detergent for the Police and PWD from Northern Tool. Close out special of \$6 per gal vs \$12.99 regular price
- April 16 attended the 156th Street pre-con meeting remotely
- April 17 – removed the snow blades from the dump-trucks...for the season
- Discovered an antifreeze leak on one of the zero turn mowers. The cause was mowing debris buildup on the bottom of the filter screen. Removed and held a clinic on how to maintain the mowers after mowing is completed for the day.
- Purchased new air filter for the push mower and maintained that for the season.
- Was asked by Mindi to verify the landscaping (number and types of trees) located at the new strip mall on the west end of C W Haden. Making sure the contractor was compliant with their requirement to block lighting from the businesses to residents across the street. All was in good order.
- Was called to help dispose of 2 dead deer located near 149th and Hwy 36.
- Responded to an email from Scott Yahnie directed at the PWD regarding the removal of “big trees” at Tim Ohrt Park, directly behind his house. The trees were Ash trees and part of a selective plan that I started over 2 years ago. We are not done cutting trees down nor are we done replacing them with my tree grants.

STATE OF THE CITY PARKS

- Completed the crossover culvert from the parking lot into the BAL Complex at Logemann. Seeded the bare spots and cleared the area for the trees that I will be receiving from one of the 5 tree grants I applied for.
- Per JEO, the culvert does not require hand rails. The surface is not elevated enough to call for any railings.
- Checked with Julie regarding asphalt grindings from the 156th Street project to be allowed on the parking surface in the Logemann parking lot.
- Took bids to saw cut, tear out and re-pour 4 small areas on the approach to the Pedestrian Bridge. All four corners and the approach have settled and create tripping hazards.
- We pulled all the tree stakes from last years new tree plantings (55 trees).
- We painted the red/black slide located at the Doug Nelson Youth Complex.

- We painted all the parking lot border posts white at the Doug Nelson Youth Complex.
- We prepped, replaced damaged boards and stained or painted all the picnic tables in the City.
- Prepped and stained the Gazebo located at Centennial Park
- Met with Lanoha Nursery to pick out planting locations and varieties of trees to plant and add to our parks and green spaces.
- Repaired the American flag swivel hooks and lanyard at Memorial Park
- Daryl Logemann graded all city gravel parking lots and Vermont Street again.
- Met with Bennington Women's Club to corroborate their donation toward a tree in their honor. We are able to utilize that toward Bennington maintaining their Tree City designation. The Mayor will proclaim our official Arbor Day declaration once the tree is planted.
- 16 trees were removed this month, several Ash plus Box Elder and Elm.
- Received 4 Dump-truck loads of mulch from Daryl Logemann as a donation.
- Removed the Co-vid signs from the parks except for the playground equipment.

STATE OF THE STREETS

- The storm inlets at the following 3 addresses are undermining the street and are being cut, torn out, repacked, patched and concrete poured to repair them: 15109 Elmwood, 15664 N 2nd, 12104 N 161st Streets.
- The STOP sign located on the SE corner of Molley and Bennington Road was stolen. We replaced it with a new one.
- Pulled the fiber glass rods identifying the storm inlets and street delineation around the City...the day after the last snowfall of the year on April 16.
- We blew off the sidewalks and bump-outs into the streets in preparation of the Street Sweeper who came April 15.
- The manhole cover located at Allen and S 2nd Streets was compromised by construction equipment driving across it. I met with Julie (JEO) to pull the lids and assess the damaged. She will pursue remedy.
- Met with Julie (JEO) to go over parking options for construction equipment at various locations around town.

STATE OF THE BALL AND SOCCER FIELDS

- I turned the water on at the Legion and BAL concessions stands on April 24. No runs, no leaks, no errors....all is working perfectly.
- Met and coordinated with Bill Japp regarding the grading and seeding of the area between Fields 1 and 2 plus the area west of Field 1 where we will be planting trees.
- Discussed the issue of the 2020 baseball season with BAL Brad and Legion Don, trying to get a handle on how the City can help prepare for games...or if there will be any.

STATE OF OUR CITY BUILDINGS

- Discussed costs of the electrical supply line with Nancy Nuemeyer and suggested she approach Mulhall's who cut the line when installing the bench area south of the Library. She didn't have luck getting them to even re-mulch the small area that was affected and Lisa then called me to ask for a few bags of mulch to cover the bare dirt that was left over.
- Had to replace the kitchen faucet with a new one as the faucet that was installed with the renovation leaked and no new cartridges were available. It was as cheap to replace as it was to repair. Plus the new one has a lifetime warranty for parts if it ever happens again.
- Had to call SW Heating to assess and/or fix the lack of heat in Community Room "C". After researching the cause, SW determined the ductwork was not sufficient for even heat distribution. He is getting me a bid on fixing the problem.
- Re-hung 2 pictures at the City Office.
- The City has a new City sign and some challenges in regard to hanging it on the ridged metal building. I've met with the sign maker and JD Welding to see if a bracket or frame could be built to support it. Discovered a special screw that I will try first.

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"

ITEM #17 Office Report



CITY OF BENNINGTON
15505 WAREHOUSE ST., P.O. BOX 221
BENNINGTON, NEBRASKA 68007
(402) 238-2375
FAX (402) 238-2470
www.benningtonne.com

May 1, 2020

City of Bennington
City Council Members
PO Box 221
15505 Warehouse St.
Bennington, NE 68007

RE: City of Bennington, Nebraska
Tax Increment Financing Annual Report 2020

- 1 – One redevelopment project is financed within the City of Bennington.
- 2 – The estimated project costs for Ridgewood totaled \$7,924,000.
- 3 – The initial projected value was approximately \$55,000,000. The 2020 assessed value totals \$53,174,200.
- 4 – There are no redevelopment projects for which financing has been paid in full during the previous calendar year or for which taxes are no longer being divided.
- 5/6 – There were no redevelopment projects approved by the governing body in 2019 and therefore no additional information.
- 7 – 34.9% of the City has been designated as blighted.

Sincerely,

Mindi Laaker

Mindi Laaker, City Clerk
City of Bennington

| 2019/20 MINDI REPORT | |
|-----------------------|-------------|
| ALL REVENUES BUDGETED | \$3,842,230 |
| ALL EXPENSES BUDGETED | \$3,917,594 |
| BUDGETED DIFFERENCE | \$(75,364) |

IMPACTS TO THE BUDGET -- 7 Month Review 4/30/2020

EXPENSE IMPACTS TO BUDGET

| | YTD Spend | Budgeted | Difference |
|---|------------|------------|-----------------|
| • STREETS: STREET REPAIR & MAINTENANCE (6110) | \$ 241,015 | \$ 225,000 | \$ (16,015.43) |
| • STREETS: LOGEMANN PARK (6266) | \$ 98,240 | \$ 95,000 | \$ (3,240.00) |
| • STREETS: ENGINEERING (6093; 6095; 6097; 6090) | \$ 95,660 | \$ 65,000 | \$ (30,660.00) |
| • SEWER: ENGINEERING (6090) | \$ 75,000 | \$ 5,000 | \$ (70,000.00) |
| • STREET: LEGAL 156TH STREET IMPROVEMENT (6140) | \$ 9,623 | \$ - | \$ (9,623.00) |
| • STREET: SNOW REMOVAL | \$ 35,672 | \$ 60,000 | \$ 24,328 |
| | | \$ | \$ (105,210.83) |

REVENUE IMPACTS TO BUDGET

| | YTD Deposits | Budgeted | Difference |
|---|--------------|-----------|------------------------|
| • SEWER: SEWER CONNECT PERMIT FEES (5206) | \$ 41,666 | \$ 35,000 | \$ 6,665.50 |
| • LOCAL SALES TAX (5010) | 428,012.60 | \$550,000 | REVENUE IS PACING HIGH |
| | | \$ | 6,665.50 |

NET EFFECT \$ 6,665.50

ITEM #18 Project Tracker

City of Bennington Project Tracker



May-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. <i>Start date is May 4th.</i> |
| 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"> JEO will be responding to the City of Omaha on a possible building north of Highway 36. 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. The property owner (Dimitroff) of 12804 N. 182nd St. has started work on this accessory building again. <i>The building permit has been approved.</i> |
| 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. 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. |
| Kempton Creek (aka Neumeyer Parcel) | 090034 | Administration | Julie Ogden | General Engineering | On-Going | <p><i>The land purchase and project have been put on hold for a few months. The final plat documents have been approved. Since that approval, the following items have been addressed/updated:</i></p> <ul style="list-style-type: none"> 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. City will be required to adjust the parking lot driveway on Bennington Road to match up with the SID road. The 156th Street widening for the turn lanes at that connection point will be evenly split between both sides of the street. |
| 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: 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. 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. Final plans for the 168th Street have not yet be completed or submitted for review. |
| 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. The aerial creek crossing (for sanitary) has been completed and the old crossing pipe has been removed. The repairs required from inspections on the sanitary sewer mains has been completed and we are now allowing service connections to the system. We have been communicating concerns on the erosion and soils in the street with the developer/engineer. They have completed some clean up and continue to work on the list. Landscaping items were installed on the northwest corner of the 2nd and Allen Street Intersection without an approved plan. JEO has coordinated with the developer to get a landscaping plan approved and install some additional sidewalk at the 2nd and Allen intersection. |
| 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. Project was put on hold at the April meeting with updates monthly on when it should resume. |
| 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. 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. Erosion issues have been addressed at the site. Work is continuing. |
| Pedestrian Access from Logemann Park Lot to the Ballfields | 090034 | Administration | Julie Ogden | General Engineering | Under Construction | 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) |
| 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. An updated CIP should be considered for updates in 2020 since 156th Street will be under construction and to include any ASIP projects. |

| Project | JEO Project No. | JEO Department Leading Project | Assigned To | Contract Executed | Status | Update Comments From Previous Month |
|--|-----------------|--------------------------------|-----------------|---------------------|--------------------------------|--|
| 2019 Road Improvements | 090034 | WIG | Julie Ogden | General Engineering | Warranty Period | Asphalt Overlay work is complete and warranty expires in December 2020 . The microsurfacing work is completed. Warranty expires in November 2020 . |
| 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 July 2020 . |
| Logemann Park Improvements | 172105 | WIG | Julie Ogden | General Engineering | Warranty Period | Construction is completed Warranty expires in November 2020 . 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 June 2020 . |
| 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. |