

CITY OF VALLEY  
PUBLIC HEARINGS  
November 11, 2014

The hearings were called to order at 7 p.m. Present were Mayor Smith, Council members Lewis, Stanzel & Ueckert. Council member Bevington was absent.

Mayor Smith noted the location of the open meetings act & stated those wishing to address items are asked to come to the podium, state name & address for the record limiting remarks to three minutes.

Mayor Smith opened the hearing for public input & comment on the Class C Liquor license application of Spruce Street Tavern Inc., dba Spruce Street Tavern, 327 North Spruce Street.

There were no comments or any written objections.

The hearing was closed at 6:01 p.m.

Mayor Smith opened the hearing for public input & comment on the manager application of Michael Noonan for Spruce Street Tavern.

There were no comments or any written objections.

The Mayor introduced Spruce Street Tavern owners Michael & James Noonan.

The hearings were closed at 7:02 p.m.

REGULAR MEETNG  
November 11, 2014

Mayor Smith called the meeting to order at 7:02 p.m. Present were mayor Smith; council members Lewis, Stanzel, Ueckert, city attorney Jeff Farnham, clerk Suhr. Council member Bevington was absent.

Proof of publication was on the council desk.

The city clerk led the Pledge of Allegiance.

Mayor Smith noted the location of the open meetings act, & stated one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

The Mayor invited anyone present who wished to address an agenda item & is not on the agenda to come forward at this time, noting they will have three minutes to speak.

Stanzel moved to approve the agenda. Lewis seconded. Stanzel, Ueckert & Lewis voted YES. NO; No one, motion carried

Stanzel moved to approve the consent agenda. Lewis seconded. Stanzel, Ueckert & Lewis voted YES. NO; No one, motion carried. Consent agenda items were: Accept 10/7 & 14 minutes, treasurer's report, bills paid during the month, October payroll, September Keno receipts \$2,442.61, PeopleService, Inc. & October Library statistical reports. Recommend approval of the special designated liquor license application of Claude H. Montgomery American Legion Post 58 for fundraisers to be held 1/17, 2/21, 3/21, 4/18, 5/16 & 6/20, 2015 at Valley Vets Club, 111 East Front Street, Valley, Nebraska from 11:00 a.m. to 11:59 p.m.. Approve bills & additional bills presented for payment. **Supplies:** Asphalt & Concrete 269.62; Baker & Taylor 294.83; Center Point Publication 125.15; J P Cooke 23.95; Dicks 9.14; FastCo 19.49; Haney Shoes 100.00; J D Financial 172.33; Jr Library Guild 735.00; Kirby 1408.72; Larue 53.08; Logan Cont. Supp 49.40; Lyman Richey Corp 580.59; Lowes 136.95; Menards 948.53; 136.81; Office Net 1027.90; Petty Cash 61.27; Rob's Oil 2697.68; Shell 525.78; 1390.26; U S Bank 74.00; Valley Corp 777.10; **Services:** Aflac 342.16; ASFPM 260.00; Bockmann Inc 19138.00; BCBS 4747.24; B H Energy 222.60; Cox 415.88; Calabretto 205313.91; D & D Con 200.00; D C Humane Society 25.00; D C Post Gazette 103.69; D C Environmental Agency 239.65; Eastern Library System 17.00; Everett's Repair 929.78; J. Farnham 10040.75; FSB 4050.00; FNB 4050.00; Fremont Dept. Utilities 24724.20; Lien 178.00; Lincoln Fin 516.59; D Matzen 690.00; Municipal Code Ser. 225.00; NMC 5000.00; Ne Clerk 50.00; Ne Sweep 2402.34; NCS 288.01; Olmsted & Perry 21580.00; Omaha Chamber of Commerce 392.00; OPPD 10774.11; PeopleService, Inc. 16347.00; Papillion San. 202.36; Public Agency Training Council 295.00; Peter's & Assoc. 2809.00; J Widhelm 850.00; WRK 180.00; Window Pro 20.00; **Taxes:** Fed 2048.87; FICA 3355.28; State 663.55; **Wages:** 67921.22; **Reimburse/Refund;** Action 150.00; Christiansen 150.00; Crouse 150.00; Fiscus 84.32; Fisher 17.86; Greenwood 150.00; Hanson 150.00; Hothan 150.00; King 150.00; Lienemann 5.57; Schurman 78.89; Svec 150.00;

Ueckert moved to recommend to the Liquor Control Commission approval of the Class C Liquor License application of Spruce Street Tavern, Inc. dba Spruce Street Tavern, 327 North Spruce Street. Stanzel seconded. Ueckert, Lewis & Stanzel voted YES. NO; no one, motion carried.

Lewis moved to recommend to the Liquor Control Commission approval of the manager application of Michael Noonan for Spruce Street Tavern. Stanzel seconded. Lewis, Stanzel & Ueckert voted YES. NO; no one, motion carried.

Steve Coffman was present to check on the status of the request to install "NO ENGINE BRAKING" signs at 264<sup>th</sup> & Maple. Mayor Smith informed him that four signs have been ordered, an ordinance will be passed & the signs will be installed. Mr. Coffman thanked the mayor & council for their time & consideration.

John Trecek of Ameritas Investment Corporation reviewed the bond anticipation notes that were issued for the West Street Paving & Storm Water Sewer project..

Council member Stanzel introduced, read & moved for adoption of Resolution No. 2014-44 to call Bond Anticipation Notes Series 2013 issued November 1, 2013, principal amount \$1,545,000.00. Ueckert seconded. Stanzel, Ueckert & Lewis voted YES. NO; No one, motion carried. A true, correct & complete copy is on file at city hall.

Mr. Trecek distributed copies of the amortization schedule & gave a brief overview of the 15 year bond issue with 5 year call option

Council member Ueckert moved to suspend the rules for consideration of Ordinance No. 666 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2014, OF THE CITY OF VALLEY, NEBRASKA OF THE PRINCIPAL AMOUNT OF ONE MILLION NINETY-FIVE THOUSAND DOLLARS (\$1,095,000) ISSUED FOR THE PURPOSE OF PAYING THE COST OF PAVING INTERSECTIONS AND AREAS FORMED BY THE CROSSING OF STREETS AND ALLEYS WITHIN THE CITY IN STREET IMPROVEMENT DISTRICTS NOS. 2013-1 AND 2013-2 AND PAYING THE COST OF PAVING STREETS AND ALLEYS WITHIN SAID DISTRICT, EXCLUSIVE OF SAID INTERSECTIONS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS; 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 ORDINANCE PUBLISHED IN PAMPHLET FORM. Stanzel seconded. Ueckert, Lewis & Stanzel voted YES. NO: No one, motion carried.

Lewis moved for final passage. Ueckert seconded: Lewis, Stanzel and Ueckert voted YES. NO: No one, motion carried. A true, correct & complete copy is on file at City Hall.

Council member Stanzel moved to suspend the rules for consideration of Ordinance No.667 entitled: AN ORDINANCE REPEALING SECTION 5-210 OF THE VALLEY MUNICIPAL CODE; ADOPTING A REVISED SECTION 5-210 OF THE VALLEY MUNICIPAL CODE GRANTING TO THE CITY THE POWER TO OPEN, WIDEN, EXTEND, OTHERWISE IMPROVE OR VACATE PUBLIC WAYS WITHIN THE LIMITS OF THE CITY OF VALLEY; REPEALING SECTION 5-219 OF THE VALLEY MUNICIPAL CODE; ADOPTING A REVISED SECTION 5-219 OF THE VALLEY MUNICIPAL CODE PROVIDING FOR THE ASCERTAINMENT OF DAMAGES IN THE EVENT OF THE CITY OF VALLEY'S EXERCISE OF ITS POWER TO OPEN, WIDEN, EXTEND, OTHERWISE IMPROVE, OR VACATE PUBLIC WAYS WITHIN THE LIMITS OF THE CITY OF VALLEY; REPEALING SECTION 5-220 OF THE VALLEY MUNICIPAL CODE, ADOPTING A REVISED SECTION 5-220 OF THE VALLEY MUNICIPAL CODE PROVIDING A PROCEDURE FOR THE EXERCISE OF THE CITY'S POWER TO OPEN, WIDEN, EXTEND, OTHERWISE IMPROVE OR VACATE PUBLIC WAYS WITHIN THE LIMITS OF THE CITY OF VALEY; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. Ueckert seconded. Stanzel, Ueckert & Lewis voted YES. NO: No one, motion carried.

Council member Stanzel moved for final passage. Lewis seconded. Stanzel, Ueckert & Lewis. Voted YES. NO: No one, motion carried. A true, correct & complete copy of said ordinance is on file at City Hall.

Council member Lewis moved to suspend the rules for consideration of Ordinance No. 668 entitled: AN ORDINANCE REPEALING SECTION 2-104 OF THE VALLEY MUNICIPAL CODE; ADOPTING A REVISED SECTION 2-104 OF THE VALLEY MUNICIPAL CODE BY ADDING A PROVISION PROHIBITING ENGINE BRAKING RESULTING IN EXCESSIVE OR UNUSUAL NOISE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. Ueckert seconded. Lewis, Stanzel & Ueckert voted YES. NO: No one, motion carried

Council member Stanzel moved for final passage. Lewis seconded. Stanzel, Ueckert & Lewis voted YES. NO: No one, motion carried. A true, correct & complete copy is on file at City Hall.

Council member Ueckert introduced, read & moved for approval of Resolution No. 2014-45 pay request #7 to Calabretto Building Group, \$205,313.91 for Valhaven Nursing Center renovation. Lewis seconded. Ueckert, Lewis & Stanzel voted YES. NO; no one, motion carried. A true, correct & complete copy is on file at city hall.

Engineer Greg Perry gave a progress report on Mallard Lake Project & recommended approval of Kerstens Construction pay request.

Stanzel moved to approve & forward to Mallard Landing developer for payment Kerstens Construction pay request #6, \$76,811.51, Lewis seconded. Stanzel, Ueckert & Lewis voted YES. NO: no one, motion carried.

The engineer gave a progress report on Bluewater Project & recommended approval of Rutjens Construction pay request representing labor & materials stored on site.

Lewis moved to approve & forward to Bluewater developer for payment Rutjens Construction pay request #2, \$423,207.31. Stanzel seconded. Lewis, Stanzel & Ueckert voted YES. NO: no one, motion carried.

The engineer reported work began last week and is progressing on the Pines HOA Water Extension Project.

There was discussion about recent water samples that were in non-compliance of National Primary Drinking Water Regulations & the course of action being taken to comply.

City Attorney Jeff Farnham reported this has been a busy, busy month. The annexation litigation was argued in the Supreme Court November 5 & he felt it went well.

Stanzel moved to adjourn in executive session to discuss strategy with respect to annexation litigation. Ueckert seconded. Stanzel, Ueckert & Lewis voted YES. NO; no one, motion carried.

Mayor Smith stated the council will adjourn in executive session at 7:35 p.m. to discuss strategy with respect to annexation litigation.

Lewis moved to reconvene in open session at 7:58 p.m. Stanzel seconded. Lewis, Stanzel & Ueckert voted YES. NO; no one, motion carried.

The city attorney was directed to wait & take no action pending results of the Supreme Court.

Mayor's Report – The Special Events committee will meet 11/18 at 7 p.m. to discuss the barbecue event plus. Valmont is hosting a Fire & Police appreciation dinner 11/19 at 7 p.m. Christmas trees will be recycled in the main park 12/26/14 through 1/5/15. He shared pictures of the sidewalk public works installed from the north bath rooms to the new playground equipment.

The meeting was adjourned at 8:05 p.m.

Mayor Carroll L. Smith

Clerk Joan Suhr