

CITY OF VALLEY
PUBLIC HEARING
May 10, 2016

The hearing was called to order at 7:00 p.m. Present were Mayor Carroll Smith, Council members Mike Stanzel, Linda Lewis, Bonnie Bevington and Bryon Ueckert.

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

Mayor Smith opened the hearing for public input and comment on a Class C Liquor License application for Brew, LLC dba/Brew Coffee House & Tasting Room at 318 N. Spruce Street. Attorney Jeff Farnham asked why they applied for a class C license. Patrick Mejstrik explained that they wanted to be able to serve wine at a tasting and be able to offer bottles for sale. They do not want to be considered a bar, they plan to serve for special events or if someone wants to rent the facility. They plan to serve breakfast and lunch and only be open in the evening if they have a tasting or special event.

The hearing was closed at 7:02 p.m.

Mayor Smith opened the hearing at 7:02 for public input and comment on the manager application of Teresa Mejstrik for Brew Coffee House and Tasting Room at 318 N. Spruce Street.

There were no comments or questions. The hearing was closed at 7:03 p.m.

VALLEY CITY COUNCIL
REGULAR MEETING

May 10, 2016

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:03 p.m., on May 10, 2016, at Valley City Hall. Present were Mayor Carroll Smith; council members Bonnie Bevington, Linda Lewis, Mike Stanzel and Bryon Ueckert; deputy clerk Shawn Isom; engineers Greg Perry and Jim Olmsted; attorney Jeff Farnham. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice; a copy of the proof of publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Smith noted the location of the open meetings act, and 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 and is not on the agenda to come forward at this time, noting they will have three minutes to speak.

Stanzel led the pledge of allegiance. Proof of publication was shown.

Council member Stanzel moved to approve the agenda. Lewis seconded. Stanzel, Lewis, Ueckert and Bevington voted YES. NO; No one, motion carried.

Council member Lewis moved to approve the consent agenda. Bevington seconded. Lewis, Bevington, Stanzel and Ueckert voted YES. NO; no one, motion carried. Items on the consent agenda were: accept minutes, treasurers report, approve bills paid during the month, April payroll \$73,729.63/IRA \$1,233.99, February Keno

\$1,660.24 – March \$2,791.97, accept PeopleService report, accept April library statistics report, appoint Donna Fintel to the Tree Board, reappoint Cindy Hayden, Rob King and Duane Prorok to the Planning Commission, approve Manager application of LeCretia Bechtold for Quik-Pik at 310 E. Reichmuth Road, bills and additional bills presented for payment: **Supplies:** Ace 63.98; Baker & Taylor 433.22; Bomgaars 45.97; Cappel 9.80; Center Pt 50.73; HD Supply 13000.00; Jones Barrel 160.00; JD Financial 172.43; K Nelson 15.00; Kirby 285.79; Larsen 75.25; Larue 52.62; Menards 46.67, 52.79; M Todd 4364.22; OfficeNet 86.83; OWH 194.08; Pavers 194.02; Petty Cash 28.64; Police Assoc 40.00; Pub Print 410.15; Regal 10.00; Shell 372.99, 734.33; Union Bank 42275.97; US Bank 74.00; US Post 461.47; Vermeer 146.41; Woodhouse 65.99; **Services:** Aflac 589.61; Academy 50.00; AMI 365.00; Andersen 1051.25; Aspen 1688.58; BCBS 6858.50; Cox 923.31; Cont Fire 170.00; Calabretto 2997.88; DHHS 80.00; DCPG 94.99; Dgls Cnty Env 585.26; Everett 867.64; J Farnham 2128.86; FSB 5962.50; FNB 5962.50; Fremont Util 15539.10; IIMC 15.00; Gen Exc 67033.30; Holiday Inn 209.90; Lien 92.00; LincFin 573.94; D Matzen 732.02; Marvin Plan 2005.00; NE Dept Health 40.00; NE Methodist 150.00; Nielsen 185.00; NCS 576.02; O & P 18761.22; OPPD 11913.05; K Olson 370.88; PeopleService 20562.00; Pap San 78.46; Peters & Assoc 2565.00; Val Corp 161766.58; Verizon 267.12; Window Pro 20.00; YMCA 35.00; **Taxes:** Fed 13200.55; State 1763.18; **Wages:** 49936.82; IRA 822.66; **Reimburse/Refund:** C Smith 74.82; K Dohrmann 106.03; M Burns 31.47; S Isom 64.98; K Muhle 60.02; Mallard Lake 30063.88; 3 Pts Lake 27655.58; Bell Prop, J Dabney, Ideal Design 150.00.

Council member Lewis moved to recommend approval of Class C Liquor License application for Brew, LLC dba/Brew Coffee House & Tasting Room at 318 N. Spruce Street, and the Manager application of Teresa Mejstrik for Brew Coffee House & Tasting Room at 318 N. Spruce Street. Stanzel seconded. Lewis, Stanzel, Ueckert, and Bevington voted YES. NO; no one, motion carried.

Mallard Landing resident Carley Hornig submitted a request for a street closure to hold a block party beginning at 4 p.m. Council member Ueckert moved to close 269th Street at Taylor Circle on May 14, rain date May 15. Lewis seconded. Lewis seconded. Ueckert, Lewis, Stanzel and Bevington voted YES. NO; No one, motion carried.

Don Peters updated the Council on the status of the Valhaven Renovation project. The project is complete, but no retainage was requested by the contractor. Peters discussed the liquidated damages that may be due. The main project was completed June 15, which was five days past the deadline including the extensions that were granted. Work on the patient rooms was completed April 13, which was thirteen days past the deadline. Eighteen days of liquidated damages can apply. Peters has documentation showing the gaps in working days, it shows eighteen working days that no one was on the project. Peters will meet with the contractor to discuss the liquidated damages and then meet with the Mayor.

Mayor Smith requested Peters address the overages on the project. Peters explained the overage of approximately \$111,000, there was an issue with the Fire Marshall regarding a dead end corridor, an exterior door had to be added at an approximate cost of \$28,000. Original building drawings showed steel columns, when work began they discovered the columns were not steel all the way through and had to be replaced along with additional footings which added \$33,000. The flooring issues added \$33,723.00 as well as lost time. Ball valves were added to piping, the salon ceiling had to be replaced, fire alarm panel had to be replaced instead of adding on to it. There was a contingency fund of \$27,000 but it was used quickly, overall it is a 6% overage for the project. Farnham asked why the contractor did not request final payment. Peters replied there is an outstanding change order but it should be ready for close out at the next council meeting. Council member Lewis would like the contractor to attend the next meeting.

Council member Stanzel introduced, read and moved for adoption of Resolution 2016-20 approving pay request #24 to Calabretto Building Group, \$2,997.87 for Valhaven Care Center addition and renovation. Ueckert seconded. Stanzel, Ueckert, Bevington and Lewis voted YES. NO: No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Council member Ueckert introduced, read and moved for adoption of Resolution 2016-21 updating the line of credit with First Nebraska Bank. Stanzel seconded. Ueckert, Stanzel, Bevington and Lewis voted YES. NO: No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Engineer's Report - Perry reported on the East Street Storm Sewer project, project is almost complete, they are cleaning up now. Street lights will be replaced tomorrow or Thursday. The second half of Waring Street has been paved and they are working on Charles Street. Weather has been an issue in completing these portions. Lewis relayed a complaint she received about the workers driving too fast on the Waring Street project. Perry will speak to the contractor. Perry recommends approval of pay request #5.

Council member Lewis introduced, read and moved for adoption of Resolution 2016-22 approving pay request #5 to Valley Corporation, \$127,248.34 for East Street Storm Sewer District No. 2015-1. Ueckert seconded. Lewis, Ueckert and Stanzel voted YES. NO: No one, Bevington abstained, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Sanitary Sewer District Project #2015-1 – Perry informed the Council that the contractor drilled into a petroleum based substance as he was digging a dewatering well. They stopped and moved over 50 feet and had no issues. Water samples have been sent to the State and they are waiting on results. Work should resume early next week. There is a change order to convert the lift station to a storm water pumping station. The Mayor questioned why the amount is different from the original projection. Olmsted replied there is a culvert that will have to be replaced and the cost is higher than initially thought. Council member Ueckert asked if the structure was sound. Perry responded that it will be verified as the project progresses, he believes it will be fine. Council member Stanzel moved for approval of Change Order #2, deduction of \$20,211.00 for pump station conversion. Bevington seconded. Stanzel, Bevington, Lewis, and Ueckert voted YES. NO: No one, motion carried.

Perry presented two options for the Park Avenue Reconstruction, a change order or a separate bid: Alternate #1 Elkhorn Valley Construction \$18,300.00; Alternate #2 Change Order to Valley Corporation \$33,724.83. Council member Stanzel moved to award bid to Elkhorn Valley Construction for \$18,300.00. Lewis seconded. Stanzel, Lewis and Ueckert voted YES. NO: No one, Bevington abstained, motion carried.

Olmsted requested authorization to prepare standard specifications for water main construction for the City to enter into a program with the Department of Health and Human Services. This will allow plans to be submitted to DHHS without paying additional application fees and save money for the City. Council member Lewis moved to authorize Olmsted to prepare Standard Water Specifications and Details for Water Main Construction for the City to enter into a 3 year program with Department of Health and Human Services. Bevington seconded. Lewis, Bevington, Stanzel and Ueckert voted YES. NO: No one, motion carried.

Olmsted reported that there are eleven water valves that do not work and need to be replaced. The concrete must be cut, valve replaced and paving replaced. Council member Ueckert asked for a cost estimate. Olmsted replied approximately \$1000 to \$1500 each. Council will need to budget for the repairs.

Olmsted informed the Council that plans are complete for the Ginger Cove bridge repair. The bridge will be resided, brick work and wood replacement. He suggests advertising May 17, 24 and 31 with bid opening June 7 and awarding the bid at the June 14 meeting. There was an insurance claim of \$5000 and \$20,000 was budgeted for repairs. Olmsted noted the City will need to budget to sandblast and repaint the underside of the bridge in the future. Council member Stanzel moved to advertise for bids for the Ginger Cove Bridge Repair Project. Ueckert seconded. Stanzel, Ueckert, Bevington and Lewis voted YES. NO: No one, motion carried.

Olmsted updated the Council on the odor control improvements. There are two options, equipment for the first option is \$40,000 but the chemical costs are \$75,000 to \$100,000 per year. Equipment for the second option is \$127,000 with very low annual cost. The City budgeted \$70,000 for this project so will have decide on an option and budget next year.

Olmsted addressed the sewer relining project, \$150,000 was budgeted which should meet the expense of 2500 to 3000 feet. He will review with PeopleService and suggests also repairing liners on service lines, he believes that is the cause of most infiltration. The Mayor and Council elected to line the mains only. Olmsted then suggested installing a "boot" which would enter the first few feet of the service line. This would need to be done before the mains are lined.

Olmsted reported that he and Farnham had met to discuss a Sanitary Sewer Basin Pioneering Policy for new development and would like permission to proceed with the policy. He explained a framework is needed to create the boundaries. Council member Bevington moved to authorize Olmsted and Farnham to create a Sanitary Sewer Basin Pioneering Policy. Lewis seconded. Bevington, Lewis, Stanzel and Ueckert voted YES. NO: No one, motion carried. Olmsted will relay more information on the proposed boundary of the McArdle Grading Development after the Sanitary Sewer Basin Pioneering Policy is created.

Olmsted updated the Council on the Flatwater Lakes development, the preliminary plat will be presented to the Planning Commission next week for recommendation and then to Council in June. The developer will need approval from the Army Corp of Engineers as there are wetlands involved. He does not expect to see much activity until fall. He is unsure which section they will begin on, it will depend upon the Corps permit.

Olmsted informed the Council about a meeting held earlier in the day with NDEQ, DHHS, EPA, Pines Homeowners Association President and the Mayor regarding the plume of water contamination at the Pines. They would like the City to request it be placed on the Superfund so they can find the source. Olmsted requested it be placed on the agenda for the June meeting. If the source of contamination is found the Pines would have to file suit to recoup the cost of the water extension. Olmsted plans to work on the assessment costs and have them ready around the first of July.

Olmsted updated the Council on the Bluewater Development, there is a change order for the storm sewer portion. Luxa Construction has requested a termination of that contract. They are requesting a new contract.

Attorney's Report – Farnham stated that assessments for the Pines water extension probably will not be ready until August. The process will have to be started over with three publication dates. He has been working with Olmsted on the Flatwater Lakes subdivision agreement and the sanitary sewer basin policy. Council member Ueckert asked if Farnham had information about the property by the Pines. Farnham replied that he hasn't been working on it.

Mayor's Report – There are 42 contestants for the Barbeque and there is a waiting list. The pool opens Memorial Day weekend. Resident Maggie Reeve has been planting flowers around the marquee. Valhaven is hosting an open house on May 25 from 3 p.m. to 6 p.m.

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

Mayor Carroll L. Smith

Deputy Clerk Shawn M. Isom

