

VALLEY CITY COUNCIL

REGULAR MEETING

April 12, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:04 p.m., on April 12, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. Council member Mike Stanzel was absent. 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.

Council member Lewis led the pledge of allegiance. Proof of publication was on the council desk and posted in the city office window.

Mayor Caffey stated a copy of the open meetings act is located in the frame on the north wall of the council chamber and 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. Once Council is into the agenda and business meeting there will be no interaction from the floor.

Arbor Day, April 29, 2011 and Twin Rivers YMCA Appreciation Week Proclamations were posted in the city hall entrance.

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

Council member Marshall moved to approve the consent agenda. Lewis seconded. Marshall, Ueckert and Lewis vote YES. NO; No one, motion carried. Consent agenda items were: Accept minutes and treasurer's report, present bills paid during the month, March payroll \$44,160.93/IRA\$743.42, accept Peopleservice, Inc report and Tree Board minutes of March 28, 2011. Approve bills and additional bills presented for payment.

Douglas County Emergency Management Director Paul Johnson presented the 2010 Douglas County Emergency Operations Plan in book and cd form, noting it is also on the website. He passed out a summary sheet and reviewed the changes, new terminology and programs and training requirements that are in place.

Mr. Johnson explained siren requirements are enforced by the City and located by Douglas County Emergency Management who dictates the type that works with the system as well as checking, testing and maintaining the entire system

Council member Ueckert introduced, read and moved for approval of .Resolution No. 2011-09 to approve the Douglas County Local Emergency Operations Plan, which

includes the City of Valley's Emergency Operations Plan as a supporting document; as mandated by the State of Nebraska Emergency Management Act, Reissue Revised Statutes of Nebraska, 1996. Lewis seconded. Ueckert, Lewis and Marshall voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

City insurance agent Linda McDermitt reviewed the quotation for city property and liability coverage for the upcoming year. Property values increased \$800,000. There are premium increases in the property, liability, crime and fidelity, automobile, linebacker and law enforcement. Workers compensation and umbrella coverage premiums decreased slightly and inland marine remained the same. The total additional premium is \$1450.00.

A risk management session was held with the office staff about cash going through the office and interdepartmental purchase orders and inventory controls. Employee health coverage is reviewed annually. She thanked the council and city personnel for their safe/efficient management and presented the city with a dividend check \$7533.13.

City engineer Jim Olmsted reported there will be a special meeting May 24 at 7 p.m. for a thorough review of water/wastewater proprietary funds.

North Spruce Street Drainage Project - The contractor is hauling dirt and has 4 or 5 days of work left on the east-west ditch.

Spruce Street/Reichmuth Road Intersection - Tonight marks the conclusion of this project. The engineer presented and recommended approval of the pay request.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-13, final pay request for Spruce Street and Reichmuth Road intersection improvements. to Great Western Bank, \$12,081.96 and to American Contractors Indemnity, \$12,081.96 Lewis seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

2011 Sanitary Sewer Repair Update - The pre-construction meeting was held today. The contractor will begin work next week at Front and Pine Street, then continue on through the remaining parts of the project.

Southeast Drainage Improvements - The project will go forward when the contracts are received from Sawyer Construction. The completion date has been extended to the end of May. Black Hills Energy is planning to run a new gas main along the north side of the project and will coordinate their work with the drainage improvements.

Council member Lewis introduced, read and moved for approval of Resolution No. 2011-14, pay request #4 to Calabretto Building Corporation, \$101,375.91 for work completed to date on the library renovation. Ueckert seconded. Following a brief discussion on funding, Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-15, to authorize Mayor Caffey to execute the agreement with Greater Omaha YMCA to operate the outdoor pool for the 2011 season. Lewis seconded. Marshall, Ueckert and Lewis voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Mallard Landing - City attorney Farnham defined the increments that go into the subdivision agreement. City engineer Olmsted has reviewed all the plans and presented a letter reflecting his review. Water and sewer plans have been sent to the State who will reissue the construction permits. With approvals in place, the final plat will be signed which will enable Mallard to go forward.

Council member Lewis introduced, read and moved for approval of Resolution No. 2011-16, to authorize Mayor Caffey to execute the Mallard Landing Phase III Subdivision Agreement. Ueckert seconded. Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Keno - City attorney Farnham read State Statute 4-902 with regard to the Outer Limits keno game. He noted Elkhorn had a similar situation in 2001. He will forward a letter to Douglas County and may have to go to Steve Schatz at the state gaming commission for a ruling.

Council member Ueckert introduced, read and moved for approval of Resolution No. 2011-17, action prohibiting lotteries within the City. Marshall seconded. Ueckert, Lewis and Marshall voted YES. No; No one, motion carried. A true, correct and complete copy of the resolution is on file at city hall.

Council member Marshall introduced Ordinance No. 620 entitled: AN ORDINANCE TO REPEAL SECTIONS 7-302, 7-303, 7-304 AND 7-308 OF THE CITY OF VALLEY MUNICIPAL CODE AND TO REPLACE SAID SECTIONS WITH NEW SECTIONS CONTAINING REVISED LANGUAGE WHICH SET FORTH THE DEFINITION OF A "CONTRACTOR", REQUIRING EACH SEPARATE LOCATION WHERE FIREWORKS WILL BE SOLD WITHIN THE CITY TO HAVE A SEPARATE PERMIT FROM THE CITY, LIMITING THE ORGANIZATIONS WHO MAY APPLY FOR A PERMIT TO SELL FIREWORKS, REQUIRING A CONTRACTOR TO SUPPLY CERTAIN INFORMATION ON THE APPLICATION FOR A PERMIT, AND CHANGING THE REQUIRED DISTANCE BETWEEN ESTABLISHMENTS SELLING FIREWORKS FROM THREE HUNDRED FEET TO TWENTY FEET and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Marshall moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 620 be passed and adopted." Upon electronic vote, the following Council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Ueckert introduced Ordinance No. 621 entitled: AN ORDINANCE REPEALING SECTION 6-306 OF THE VALLEY MUNICIPAL CODE. AN ORDINANCE FIXING THE RATE FOR SEWER SERVICES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING

FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, and moved that the statutory rule requiring reading on three different days be suspended. Council member Marshall seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Ueckert, Lewis, Marshall. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter council member Ueckert moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 621 be passed and adopted." Upon electronic vote, the following Council members voted YES: Ueckert, Lewis, Marshall. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at City Hall.

Council member Lewis moved to table action on Resolution 2011-18. Marshall seconded. Lewis, Marshall and Ueckert voted YES. NO; No one, motion carried.

Litigation report by city attorney Farnham - Item a, SID #196, attorney Andy Simpson has written a draft of answers that Farmham and Jim Olmsted will review. Item b. Bellino Fireworks, no change, just sitting there, hoping for dismissal. Item c. Ueberrhein, no changes, no ruling.

Mayor's Report - Continues to be very busy, working on the newsletter, clean up day and Show and Shine plans with library dedication will be June 12.

Other items - Western Douglas County Chamber Scholarship luncheon is April 26. Arbor Day celebration is April 29 at D. C. West grade school. Clean up Day is May 7 from 9 - 2. Planning Commission meets April 19.

The meeting was adjourned at 9:20 p.m.

Mayor Mary Caffey

Clerk Joan Suhr