

VALLEY CITY COUNCIL
PUBLIC HEARING
NOVEMBER 8, 2011

Mayor Caffey called the public hearing to order at 7:03 p.m. and stated a copy of the open meetings act is located on the north wall of the council chamber.

Proof of publication was available on the council desk and posted in the city office window.

Present were mayor Mary Caffey, council members Linda Lewis, Rod Marshall, Mike Stanzel and Bryon Ueckert.

The purpose of the public hearing is for comment and input on recommendations for modifications to subdivision and zoning regulations with regard to gated communities forwarded from the October 18 Planning Commission meeting.

City attorney Jeff Farnham reviewed the proposed gated community ordinance noting section 11.02 contains declarations and definitions. There is added language about filing with the register of deeds and private streets with gates that allow access. Two entrance points are required with setbacks, gates are to be 28' or 2 18' gates with keys to be provided to proper persons. Developers must come to the city and abide by city rules and regulations. It is tight and controlled and protects the city as well as emergency responders. Attachment A is a disclosure statement for the purchaser of property within the gated community. There is a provision to dissolve and directives on street maintenance.

There were no questions or comments. The hearing was adjourned at 7:16 p.m.

MINUTES

REGULAR MEETING

November 8, 2011

A meeting of the Valley City Council of Valley, Nebraska, was convened in open and public session at 7:16 p.m., on November 8, 2011, at Valley City Hall. Present were mayor Mary Caffey; council members Linda Lewis, Rod Marshall, Mike Stanzel, Bryon Ueckert, attorney Jeff Farnham, clerk Joan Suhr. 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 Stanzel 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.

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

Council member Ueckert moved to approve the consent agenda. Lewis seconded. Ueckert, Lewis, Marshall, and Stanzel voted YES. NO; No one, motion carried. Consent agenda items were: Accept October 11, 2011 minutes and treasurer's report, present bills paid during the month, October payroll \$43,325.15/IRA\$738.50, September Keno receipts \$2,013.05, accept PeopleService, Inc report, October 19 Cemetery Board and October 18 Planning Commission minutes. Approve bills and additional bills presented for payment.: **Supplies:** Artisan 30.00; Arps 1866.50; Asphalt & Conc 174.46; Barnes & Noble 227.51; Center Pt 168.36; Demco 114.75; Dick's 38.16; Ace 16.44; Fireguard 30.50; Kirby 860.53; Larue 71.88; Lowes 103.43; Mastercard 67.56; Midwest Sales 36.31; Menards 95.57; OfficeNet 668.45; Petty Cash 86.64; Rob's Oil 1004.34; Sherwin 375.88; Shell 486.20, 1275.41; United Elec 34.79; US Post 365.54; **Services:** Aflac 298.35; AIG 699.24; Black Hills 118.10; U-Fill-It 330.00; Cox 393.59; DCPG 195.16; Elkhorn Auto 508.05; Ericksen & Brooks 3910.00; Everett's 252.45; Ervin 233.14; J Farnham 7317.00; Fremont 13900.41; Harrington 4976.86; D Matzen 650.00; Marvin Planning 440.00; MWE Services 18630.00; Maria's 90.00; NE Sweep 1899.24; O & P 8757.07; Omaha 245.05; OPPD 7991.95; Omaha Neon 961.75; Patt's Rental 287.90; PeopleService 14041.00; Papillion San 169.56; RP Speed 125.00; SW Iowa 120.00; State Treas 126.10; Terracon 624.94; West-E-Con 616.40; Verizon 324.02; WRK 240.00; Window Pro 20.00; WDCCC 10.00; **Taxes:** Fed 9363.57; NE 1278.03; **Wages:** 42325.15; FNB 738.50; **Reimburse/Refund:** 3 Points 5462.93; D Eggen 810.74; S Smith 105.70; V Kocher 62.13; K Nichols 22.13; L Knoell, K Gerdes, E Bradford, E Dekeyser, T Emmanuel Homes, S Hamsa 150.00.

Police chief Brett Smith introduced part time officer Ken Dohrman who has been with the department for 2 to 2 ½ years. During his tenure, he has paid for his law enforcement training and on his own has taken additional training as a certified hostage negotiator, has completed a Meth identity class, participated in the YMCA bicycle rodeo and 3M sponsored "No bullying" campaign at the high school. He has obtained three military grade gas masks for department use. He and his wife Cathy donated new children's books to the library at it's dedication.

Mayor Caffey noted she is very proud of his initiative and dedication and it was so heartwarming to see the kids going out of the library hugging their new books.

Council member Marshall introduced Ordinance No. 629 entitled: AN ORDINANCE STATING THE GENERAL PURPOSE OF GATED COMMUNITIES PROVIDING FOR THE FILING OF A DECLARATION RELATED TO THE GATED COMMUNITY WITH THE DOUGLAS COUNTY REGISTER OF DEEDS: ESTABLISHING RULES AND REGULATIONS RELATED TO GATED COMMUNITIES: THESE RULES AND REGULATIONS INCLUDE DEFINING KEY TERMS; PROVIDING THAT STREETS AND DRAINAGE SYSTEMS IN A GATED COMMUNITY BE PRIVATELY OWNED: PROVIDING GENERAL PROVISIONS REGARDING GATE DESIGN STANDARDS, GATE CONSTRUCTION, OPERATION, MAINTENANCE AND TESTING: SETTING FORTH GENERAL ACCESS REQUIREMENTS, EMERGENCY PERSONNEL ACCESS, PRIVATE STREET DESIGN, PRIVATE STREET APPROVAL AND

CONSTRUCTION, PRIVATE STREET MAINTENANCE; PROVIDING DESIGN STANDARDS FOR PUBLIC UTILITIES AND FOR APPROVAL, CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES; PROVISIONS RELATED TO STREET LIGHTS; DEFINING AND REQUIRING HOMEOWNERS ASSOCIATIONS IN A GATED COMMUNITY AND SETTING FORTH THE DUTIES AND OBLIGATIONS OF THE HOMEOWNER'S ASSOCIATION; REQUIRING CITY BUILDING PERMITS; OUTLINING PROCEDURES FOR DISSOLVING A GATED COMMUNITY BY A VOTE OF THE HOMEOWNER'S ASSOCIATION PURSUANT TO AGREEMENT WITH THE CITY; REQUIRING A GATED COMMUNITY TO INDEMNIFY THE CITY OF VALLEY UNDER CERTAIN CIRCUMSTANCES; REQUIRING A GATED COMMUNITY HOMEOWNERS ASSOCIATION TO OBTAIN AND MAINTAIN A GENERAL LIABILITY POLCY; AND REQUIRING CONTRACTS FOR THE SALE AND PURCHASE OF RESIDENTIAL LOTS OR HOMES WITHIN THE GATED COMMUNITY TO BE ACCOMPANIED BY A GATED COMMUNITY COST DISCLOSURE STATEMENT 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, Stanzel, 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. The ordinance was passed to the city attorney for reading.

Council member Ueckert was called from the meeting. At 7:29 p.m.

Said ordinance was then read by the city attorney and thereafter council member Stanzel moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 629 be passed and adopted." Upon electronic vote, the following Council members voted YES: Stanzel, Lewis, Marshall. The following voted NO: No one. Council member Ueckert was not present for the vote. 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.

Gary Wasserburger Commander of the Veterans of Foreign Wars representing the Vets Club and American Legion requested the building permit fee paid by the Veterans Club be refunded. He listed a number of projects supported by the organization, noting the remodeling work was made possible by an anonymous donation earmarked for outside improvements. Although much work has been done, there is much more than needs attention such as concrete and furnace work and interior work.

The request will be taken under consideration; this could be problematic and precedent setting. The Mayor thanked the organization for their service.

Carl Ratcliff pastor of United Faith Community Church asked the city to waive capital facility fees on the 8 acre parcel they wish to develop. Following much discussion the city engineer suggested subdividing the parcel and paying the fees on that parcel. If the fees are waived, the total would be waived. The Mayor stated the council needs to have plans in order to make an informed decision and reminded Pastor Ratcliff that she had scheduled a meeting with the city engineer which Ratcliff chose not to attend. The property is currently a non-conforming use, zoned residential. Pastor Ratcliff will meet

with the city engineer to discuss possibilities for the property.

City Engineer:

North Spruce Street Drainage - the easement is being processed so the project can continue.

Demolition/Clearing at 5737 Twin Rivers Circle - The project is progressing nicely and should be ready for close out at the December meeting. The engineer recommended approval of payment to Midwest Demolition for work completed to date.

Council member Marshall introduced, read and moved for approval of Resolution No. 2011-41, pay request #1 to Midwest Demolition for \$18,630.00 for work completed on the demolition/clearing at 5737 Twin Rivers Circle. Lewis seconded. Marshall, Stanzel and Lewis voted YES. NO; No one. Council member Ueckert was not present for the vote. Motion carried. A true, complete and correct copy of the resolution is on file at city hall.

Miscellaneous - The city engineer distributed copies of a sewage flow graph showing that the repairs completed to date have made a positive impact on infiltration and flow. The engineer updated council members on the recent private sewer line break at Meigs and Pine.

Council member Ueckert returned at 8:05 p.m.

Mayor's Report - Coffee and connections will be held the first Wednesday of each month at Twin Rivers YMCA. The December gathering will be hosted by First State Bank and First Nebraska Bank will host in February. There was good attendance with exchange of information and ideas.

The truck has been ordered and will be delivered in March.

A short newsletter will go out with water bills this month containing information on snow emergencies, the availability to pay bills online, the annual conserve water for sewer rates reminder and the water rate increase.

Other items: The Planning Commission meets November 15 at 4:30 p.m. Christmas tree recycling in city park from December 26, 2011 through January 8, 2012. Housing and economic development were discussed.

The meeting was adjourned at 8:40 p.m.

Mayor Mary Caffey

Clerk Joan Suhr

