

MINUTES
January 14, 2020

Mayor Smith called the meeting to order at 7 p.m. Present were mayor Smith; council members Grove, Lewis, Stanzel, Ueckert; city attorney Farnham, city clerk Suhr.

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 city clerk led the Pledge of Allegiance.

Proof of publication was on the council desk.

Visitors and Correspondence –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 A Proclamation setting January 19 – 25, 2020 as D. C. West School Choice Week was posted on the north wall of the Council Chamber.

D.C. West School superintendent Melissa Poloncic presented a request from the School, the Board of Education & the Administration asking the council to review speed limits & school signage on Center Street between Gardiner & Meigs . She shared pictures with a narrative comparing the Pine Street side of the campus with the Center Street side. There is no speed limit signage at the one entrance & exit to the main elementary drop off & pick up area on Center Street which raises safety concerns. Mayor & council consensus is to pass a resolution regulating traffic on Center Street between Meigs & Gardiner at the February 11 council meeting.

Robert Nordell, 74 Peppermill Point noted he feels accessory buildings need to be neat in appearance, color & size & adhere to zoning restrictions. He is currently working with Ginger Cove Homeowners Association on just such an issue.

Grove moved to approve the agenda. Stanzel seconded. All in favor, motion carried.

Stanzel moved to approve the consent agenda. Lewis seconded. All in favor, motion carried. Items on the consent agenda were to accept 12/1/19 public hearings & minutes, treasurer's report, December payroll \$67,575.98/IRA \$963.34, December Keno receipts \$2,897.66, 12/17/19 Planning Commission minutes, December library statistics & PeopleService, Inc., report. Approve bills paid during the month & bills & additional bills presented for payment. **Supplies:** Amazon 753.90; Ace 48.34; Core & Main 2632.94; Arps 489.50; Aspen Equip. 317.38; John Deere Financial 1080.38; Dollar General 43.75; Kirby Auto 966.09; Lowes 142.56; Menards 1125.58; Fastenal 58.43; Gall's 763.48; OfficeNet 354.58; Line-X 549.00; Host Coffee 125.44; Mastercard 548.35; Petty Cash 46.54; Publication Printing 136.15; Two Rivers Sand 78.43; Wex 1618.96; Postmaster 542.40; **Services:** Andersen Plumbing 5118.75; Aflac 661.14; Black Hills 1053.96; Adv. Htg. 773.75; Cox 1083.88; DHHS 80.00; Gazette 186.73; DC Env 378.67; Everetts 25.00; FSI Agency 341.00; J Farnham 5273.00; FNB 5962.50; FSB 5962.50; FNB 1390.19; Fremont Util 20668.00; Gingerich Structures 5760.00 Grefe 5536.00; Green's 69.95; J.D. Car Wash 67.15; Linc Finan 767.12; Matzen 776.60; Morgan White Group 1311.24; O & P 40333.01; OPPD 10841.24; PeopleService 22081.00; Ne State Treas. 261.08; Ne Lib. Assoc. 60.00; Ne CS 864.03; Ne FSMA 35.00; Pap San 101.33; Thomas Schleisman CPA 1100.00; Trekk 1338.64; JP Morgan Chase 4133.00; USG 24960.95; Window Pro 20.00; Ne Dept. of Revenue 1802.05; **Taxes:** Fed 15422.06; NE 2415.36; **Reimburse/Refund:** Burns 100.00; Dunham 2000.00; Valley Days Foundation 5000.00; Cremers / Abboud / Bridgman / Vavra / Romans / Timm / Timm / Sanders / Dravland / Neuman / Kobs / Poore / Walls 2 Floors / Nielsen / Muzic / Toller / Vandenbogaart 150.00 each; Mallard 5731.62; Valley Shores 6528.66

Stanzel moved to approve budgeted payment of \$5,000.00 to Valley Days Foundation. Lewis seconded. Stanzel, Ueckert & Lewis voted YES. ABSTAIN; Grove. NO; no one, motion carried.

Dave Williams, 12069 Elmwood Drive, Bennington, addressed council members to share concerns regarding recent Valley Historical Society activities. He chronicled events beginning in May to the present date regarding the request before Council to allow an additional building on the present site.

Building Official Michael Burns stated The Historical Society wants to build a second principal building, the Planning Commission only approved the concept which does not include lot coverage & parking.

Bill Socha, 203 West Alexander pointed out they can only have three buildings on the lot which they already have if you count the caboose.

Architect Kurtis Suhr, 8030 Thornview Road, Lincoln – The proposed building would be 3,300 square feet with 2,000 sq. feet for storage. The site plan has 26% lot coverage – zoning allows 35% - he can try to get parking on-site. Did not consider the caboose. Can existing right-of-way parking be utilized?

Wendy Deane, 207 North Spruce Street has attended meetings, other locations discussed, members said “no”. Would be a waste of time and money.

Russell Kreikemeier attorney for the Historical Society stated he is here to present the proposal to the planning commission, not here to discuss issues. He appreciates the city’s position & mentioned parking in neighborhoods.

Discussion followed with input from council members, Stanzel, Lewis & Ueckert; Dave Williams; city attorney Farnham, Bill Socha, building official Michael Burns & Marianne Nielsen. Discussed were: lot coverage, setbacks, landscaping requirements, if the caboose is considered a building, sidewalks, parking & having more information & group support.

Mayor Smith read the motion from the planning commission minutes, “It was moved by Kava to accept the building plans. Second by Sunde. Voting for: Kava, Sunde, Foutch, Lathrop, Burke, Conrey, King. Voting against: Bottger. Motion carried.”

Stanzel moved to vote no on the Planning Commission recommendation to allow multiple buildings on the present museum site. Lewis seconded. All in favor, motion carried.

Council member Stanzel moved to suspend the rules for consideration of Ordinance No.730 entitled: AN ORDINANCE OF THE CITY OF VALLEY, NEBRASKA, RELATING TO THE SALARIES OF THE EMPLOYEES OF THE CITY OF VALLEY, NEBRASKA; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. Lewis seconded, all in favor, motion carried.

Council member Lewis moved for final passage of the ordinance. Ueckert seconded. All in favor, 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.731 entitled: AN ORDINANCE ACCEPTING THE PROPOSAL OF THE OMAHA PUBLIC POWER DISTRICT, IT’S SUCCESSORS AND ASSIGNS (HEREINAFTER “GRANTEE”) TO CONTINUE TO CONDUCT A RETAIL ELECTRIC SUPPLY BUSINESS WITHIN THE CITY OF VALLEY, NEBRASKA (HEREINAFTER “CITY”) AND GRANT A FRANCHISE TO GRANTEE TO GENERATE, DISTRIBUTE

AND DELIVER AN ADEQUATE AND CONTINUOUS SUPPLY OF ELECTRIC ENERGY TO THE CITY, EXCEPT FOR INTERRUPTIONS BEYOND GRANTEE'S CONTROL; TO ERECT POLES AND INSTALL WIRES AND CABLES THEREON; TO CONSTRUCT UNDERGROUND CONDUITS AND MANHOLES AND TO INSTALL CABLES IN UNDERGROUND CONDUITS OR BURIED DIRECTLY IN THE GROUND, AND TO INSTALL SUCH FACILITIES ALONG, OVER, UPON, UNDER OR ACROSS PRESENT OR FUTURE STREETS, ALLEYS, AVENUES, HIGHWAYS AND OTHER PUBLIC RIGHTS-OF-WAY OF THE CITY, AND TO CONSTRUCT, OWN, OPERATE AND MAINTAIN ALL OTHER ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS NECESSARY TO SUPPORT AND CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY. Ueckert seconded. All in favor, motion carried.

Council member Ueckert moved for final passage. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

CITY ENGINEER – a. Flatwater Phase 1 update – Greg Perry reported three or four things are left to complete including some grading and the lift station start up.

b. 2019 Flood Recovery Sanitary Sewer CCTV inspection – Jim Olmsted reported the first part went well for the contractor, however; the second part was problematic. There are lots of service lines that are cracked or broken undermining Gardiner street. He recommended approval of the change order, pay request & project close out.

Grove moved to approve change order # 1, an additional \$24,567.35, resulting in a final project cost of \$56,515.85. Ueckert seconded. All in favor, motion carried.

Council member Stanzel introduced, read & moved for passage of Resolution No. 2020-01, to approve Utility Service Group application for payment #2, (final) for \$24,960.95. Ueckert seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Stanzel moved to approve Acceptance of Substantial Completion, Notice of Acceptability of work & to close out the project. Grove seconded. All in favor, motion carried.

c. 2019 Flood Recovery Gardiner Street Stormwater Pumping Station update – Mr. Olmsted reported the pre-construction conference was held last Friday. Judds Brothers Construction will begin demolition of the buildings when power is disconnected.

d. 2019 Flood Recovery Highway 64 silt removal – Greg Perry reported work on the project has been completed. He recommended the council approve pay request #2 & project close out.

Council member Grove introduced, read & moved for passage of Resolution No. 2020-02, to approve Mike Grefe Excavating application for payment #2, (final) for \$1,258.00. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Stanzel moved to approve Acceptance of Substantial Completion, Notice of Acceptability of work & to close out the project. Ueckert seconded. All in favor, motion carried.

e. Highway 64 Drainage Improvements – Mr. Perry reported the dredging & final grading are complete. He recommended approval of the change order, final pay request & project closeout, noting this project cost will be split between the City, Lyman Richey & Valmont.

Stanzel moved to approve change order #1, (final), additional \$2,515.00 resulting in final contract price of \$9,498.00. Grove seconded. All in favor, motion carried.

Council member Grove introduced, read & moved for approval of Resolution No. 2020-03 Mike Grefe Excavating pay request #2, (final) \$4,278.00. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Ueckert moved to approve Acceptance of Substantial Completion, Notice of Acceptability of work & to close out the project. Grove seconded. All in favor, motion carried.

f. Flatwater Phases 2 & 3 – Mr. Olmsted reported the conditions set forth in the Planning Commission recommendation to approve the final plat of Flatwater 2 are still underway. City attorney Andrea Griffin has been in contact with the bank providing project financing, however; Mr. Hampton is out of the country. The engineer feels the bank will approve funding when the final plat is approved & recommended council approve the final plats of Flatwater 2 and Flatwater 3.

Council member Stanzel introduced, read & moved for passage of Resolution No. 2020-04, approval of Flatwater Lake Development 2nd Addition. Ueckert seconded. Stanzel, Grove & Lewis voted YES. Ueckert voted NO; motion carried. A true, correct & complete copy is on file at city hall.

Council member Stanzel introduced, read & moved for passage of Resolution No. 2020-05, approval of Flatwater Lake Development 3rd Addition. Lewis seconded. Stanzel, Grove & Lewis voted YES. Ueckert voted NO, motion carried. A true, correct & complete copy is on file at city hall.

Greg Perry presented the bids received for Flatwater phase 2 & 3 utilities & paving. Council took no action.

g. Country Aire 2 - Greg Perry presented the bid tabulation for Country Aire 2 pavement, water & sewer improvements for information only.

h. Groundscapes Water & Sewer Extensions – Mr. Perry reported the project is substantially complete, has been tested & approved by the State. He recommended Council approval of Acceptance of Substantial Completion of work.

Stanzel moved to approve Acceptance of Substantial Completion for Groundscapes water & sewer extensions. Grove seconded. All in favor, motion carried.

i. Other Updates / Miscellaneous – 1. 2019 Flood Recovery Valmont Lift Station Rehab – The project will be redesigned & rebid on a smaller scope.

2. 2019 Flood Recovery Front Street Pavement Reconstruction – scheduled to start in the spring.

3. Timber Shores SID Drainage – Mr. Perry reported the contractor is mobilizing next week.

City Attorney - Mr. Farnham reviewed Ordinance No. 732 & explained this will be a more efficient way to deal with tall grass, weeds and other nuisance issues.

Council member Grove moved to suspend the rules for consideration of Ordinance No. 732 entitled: AN ORDINANCE TO AMEND AN EXISTING SECTION OF THE CITY OF VALLEY MUNICIPAL CODE RELATING TO THE ABATEMENT OF PUBLIC NUISANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE

REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. Lewis seconded. All in favor, motion carried.

Council member Grove moved for final passage of the ordinance, Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Mr. Farnham & Andrea have been working with Flatwater agreements.

Country Aire 2 - He noted he is very confident of Country Aire 2's financial condition. The SID has a very good debt ratio. The next SID meeting is scheduled for February 4

Elkhorn Recreation Association – The association will have a presentation for the March or April Planning Commission.

Mayor's Report – Reminder filing deadline for incumbents is Tuesday February 18, 2020. Filing deadline for non-incumbents is Monday March 2, 2020. Valley Planning Commission meets 1/21 @4:30; Valley Days meeting is 1/21 @6 p.m.; Employee Appreciation Dinner is 1/24 @ Farmer Brown's; League Mid-Winter conference is at the Marriott Hotel in Lincoln 2/24 & 25; Received \$92,102.07 with December property taxes for Valley Shores Street Assessments– leaving a balance of 69,000.; Valley Shores T I F ended in December. Street light charges transferred to Valley effective 1/1/20; FEMA projects - Met January 8 for update on projects – January 27 will view / discuss sanitary sewer line televising; Gingerich Structures will begin building storage garage for jet machine & large generator the end of March. Auditor will be here tomorrow; Flyers were distributed for a spring flood meeting later this week in Fremont.

Council members discussed the school request and consensus was to lower the speed limit on Center Street between Gardiner & Meigs to 25 mph and 20 mph when children are present.

The meeting was adjourned at 8:25 p.m.

Mayor Carroll L. Smith

City Clerk Joan Suhr

