

AGENDA
VALLEY CITY COUNCIL
APRIL 12, 2011
7:00 P.M.

The Mayor and Council reserve the right to adjourn into executive session on any agenda item per Nebraska Revised Statutes 84-1410.

One copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

1. ROLL CALL

2. MEETING CALLED TO ORDER

--A copy of the Open Meetings Act is located on the north wall of the Council Chamber--

3. PLEDGE OF ALLEGIANCE

4. PROOF OF PUBLICATION

5. VISITORS/CORRESPONDENCE

PROCLAMATIONS ARE POSTED

6. APPROVAL OF AGENDA m

7. CONSENT AGENDA

All agenda items indicated by an asterisk will comprise the consent agenda and will be acted on in a single motion. Consent agenda items are being forwarded to the Council Members. Any individual item may be removed by a council member for special discussion and consideration.

* ACCEPT MINUTES

* ACCEPT TREASURER'S REPORT

* PRESENT BILLS PAID DURING THE MONTH

* APPROVE BILLS & ADDITIONAL BILLS PRESENTED FOR PAYMENT

A Complete listing of claims processed through Monday, April 11, 2010 is on file in the office of the City Clerk.

* MARCH PAYROLL, \$44,160.93/I.R.A., \$743.42

* PEOPLESERVICE, INC. REPORT

* TREE BOARD MINUTES/March 28, 2011

8. PAUL JOHNSON/Douglas County Emergency Management Director

9. RESOLUTION 2011-09/Council consideration and action to adopt the 2010 Update to the Douglas County Emergency Management Plan.

10. LINDA McDERMITT/Our agent will conduct the annual review of City Property &

Liability insurance coverage.

11. CITY ENGINEER
 - a. North Spruce Street drainage project update
 - b. Spruce Street/Reichmuth Road Intersection
 1. Presentation of pay request
 - c. 2011 Sanitary Sewer Repair Update
 - d. Southeast Drainage Improvements
 - e. Miscellaneous
12. RESOLUTION 2011-13/Council consideration and action to approve pay request(s) submitted for Spruce Street/Reichmuth Road Intersection Project.
13. RESOLUTION 2011-14/The architect recommended payment approval.
Council consideration and action to approve pay request #4 from Calabretto Building Corporation, \$101,375.91 for work completed to date on the Library Renovation.
14. RESOLUTION 2011-15/Council consideration and action to authorize Mayor Caffey to execute an agreement with Greater Omaha YMCA to operate the outdoor pool for the 2011 season.
15. RESOLUTION 2011-16/Council consideration and action to authorize Mayor Caffey to execute the Mallard Landing Phase III Subdivision Agreement.
16. RESOLUTION 2011-17/Council consideration and action regarding prohibition of lotteries within the City of Valley
17. ORDINANCE NO. 620/Council consideration and action to amend fireworks Ordinance No. 617.
18. ORDINANCE NO. 621/ Council action to adopt wastewater rate adjustment. reflecting the 2010 Consumer Price Index for all Urban Consumers (CPI-U.)
19. RESOLUTION NO. 2011-18/Council consideration and action to set wastewater rates for SID#196.
20. LITIGATION REPORT.
 - a. SID #196 vs City of Valley
 - b. Bellino Fireworks vs City of Valley
 - c. Ueberrhein et al vs City of Valley
21. MAYOR'S REPORT

VALLEY CITY COUNCIL

April 12, 2011

Mayor Caffey called the meeting to order at 7:04 p.m. Present were mayor Caffey; council members Lewis, Marshall, Ueckert, attorney Jeff Farnham, clerk Suhr. Council member Stanzel was absent.

Lewis led the pledge of allegiance. Proof of publication was on the council desk & 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 & 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.

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

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

Marshall moved to approve the consent agenda. Lewis seconded. Marshall, Ueckert & Lewis vote YES. NO; No one, motion carried. Consent agenda items were: Accept minutes & treasurer's report, present bills paid during the month, March payroll \$44,160.93/IRA\$743.42, accept PeopleService, Inc report & Tree Board minutes of 3/28/11. Approve bills & additional bills presented for payment. **Supplies:** Ace 109.02; Am Girl 22.95; Asphalt & Conc 956.48; Barnes & Noble 102.28; Borders 152.34; Center Pt 126.42; Cntry Living 10.00; Dick's 60.04; Everyday Foods 4.95; Farm Plan 922.53; Flags USA 209.00; Jensen Tire 594.36; Kirby 62.85; KS Safety 1985.00; LaRue 106.06; Lifeguard Store 488.20; Lyman 169.19; Lowes 340.97; Mastercard 128.76; M Todd 544.25; Midwest Living 21.37; Monke 1747.17; OfficeNet 414.38; O Mag 18.00; Signex 997.50; Shell 866.57, 1458.74; Wood Mag 29.96; US Post 348.24; **Services:** R Argintean 172.50; Aflac 298.35; AIG 592.08; Black Hills 2094.00; Am Cont 12081.96; Air Power 202.06; Cox 286.35; Calabretto 101375.91; D & D 913.02; DCPG 430.67; Everetts 137.85; Ervin 233.14; J Farnham 6910.00; Fremont 17139.67; Great West Bank 12081.96; Hol Inn 310.36; M Kirkwood 100.00; D Matzen 400.00; Monitronics 36.94; Larsen 1987.52; NCS 146.76; NE Sweep 2142.69; O & P 17010.52; Omaha 698.63; OPPD 8884.42; PeopleService 11304.00; Papillion San 58.30; Qwest 99.33; RP Speed 95.00; United Way 74.74; Val Pharm 10.09; Verizon 348.75; WDCCC 30.00; wrk 60.00; J Widhelm 65.00; **Taxes:** Fed 8846.03; NE 1569.85; Unemp 3606.60; **Wages:** 40573.70; FNB 726.20; **Reimburse/Refund:** 3 Points 17011.45; Menards 381.75; S Smith 202.17; Team Elec 41.30; Mallard Lake 1842.24.

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 & programs & training requirements that are in place.

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

Ueckert introduced, read & 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 & Marshall voted YES. NO; No one, motion carried. A true, correct & complete copy is on file at city hall.

City insurance agent Linda McDermitt reviewed the quotation for city property & liability coverage for the upcoming year.

A risk management session was held with the office staff & employee health insurance coverage is reviewed annually. She thanked the council & city personnel for their safe/efficient management & presented the city with a dividend check for \$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 & 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 & recommended approval of the pay request.

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

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 & will coordinate their work with the drainage improvements.

Lewis introduced, read & 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. Lewis, Marshall & Ueckert voted YES. NO; No one, motion carried. A true, correct & complete copy is on file at city hall.

Marshall introduced, read & 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 & Lewis voted YES. NO; No one, motion carried. A true, correct & complete copy 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 & presented a letter reflecting his review. With approvals in place, the final plat will be signed which will enable Mallard to go forward.

Lewis introduced, read & 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 & Ueckert voted YES. NO; No one, motion carried. A true, correct & complete copy is on file at city hall.

Keno – City attorney Farnham reported on progress with regard to the Outer Limits keno game.

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

Council member Marshall moved to suspend the rules for consideration of 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. Lewis seconded. The following council members voted YES: Marshall, Ueckert, Lewis. The following voted NO: No one, motion carried.

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

Council member Ueckert moved to suspend the rules for consideration of 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. Marshall seconded. The following council members voted YES: Ueckert, Lewis, Marshall. The following voted NO: No one, motion carried.

Council member Ueckert moved for final passage of the ordinance. Lewis seconded. The following Council members voted YES: Ueckert, Lewis, Marshall. The following voted NO: No one, motion carried. A true, correct & complete copy is on file at City Hall.

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

City attorney Farnham reported on the status of litigation.

Mayor's Report – Continues to be very busy, working on the newsletter, clean up day & Show & Shine plans. Library dedication will be June 12.

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

Mayor Mary Caffey

Clerk Joan Suhr

PUBLIC HEARING
May 10, 2011
7:00 P.M.

--A copy of the Open Meetings Act is located on the north wall of the Council Chamber--

All hearings are for public input on recommendations forwarded from the Planning Commission public hearing.

The podium is located at the front of the Chamber for comments. Please state name and address for the record

APPLICATION TO REZONE

From I-2 (Heavy Industrial) to I-3 (General Industrial)

a parcel of land located in the Northeast Quarter of Section 6, Township 15 North, Range 10, East, excluding land(s) situated in the Southeast Quarter of the South Half of the Northeast Quarter and land situated in the Northeast Quarter of the Northeast Quarter divided by 264th street in Section 6, Township 15 North, Range 10 East of the 6th P. M. Douglas County, Nebraska consisting of 114.23 acres.

APPLICATION TO REZONE

From I-2 (Heavy Industrial) to R-2 (Medium-High Density Residential)

A parcel of land located in the Southwest of the South half of the Northeast quarter of Section 6, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska consisting of 31.39 acres.

ADJOURN

VALLEY CITY COUNCIL
REGULAR MEETING

May 10, 2011

Anyone desiring to speak on any item on the Agenda is invited to do so, but will be limited to three minutes. After being recognized by the Mayor, please state your name and address for the record. Anyone desiring to speak for a longer period of time should make arrangements with the City Clerk prior to the meeting.

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2. ROLL CALL

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* ACCEPT MINUTES

* ACCEPT TREASURER'S REPORT

* PRESENT BILLS PAID DURING THE MONTH

* APPROVE BILLS & ADDITIONAL BILLS PRESENTED FOR PAYMENT

A Complete listing of claims processed through Monday, May 9, 2011 is on file in the office of the City Clerk.

* APRIL PAYROLL, \$40,573.70/I.R.A., \$726.20

* MARCH KENO RECEIPTS \$1,600.89

* REAPPOINTMENT Dean Slader, Cemetery Board, 3 year term

* ACCEPT PeopleService, Inc. Report

Planning Commission Minutes, April 19, 2011

8. ORDINANCE NO. 622/ Council consideration and action to rezone property from I- 2 to I-3 as addressed in the public hearing. The Planning Commission voted unanimously to rezone the property.

9. ORDINANCE NO. 623/ Council consideration and action to rezone property from I- 2 to R-2 as addressed in the public hearing. The Planning Commission voted unanimously to rezone the property.

10. CITY ENGINEER
 - a. North Spruce Street drainage project update
 - b. 2011 Sanitary Sewer Repair Update
 Engineer recommendation for payment
 RESOLUTION 2011-18/Council consideration and action to approve pay request #1 to Thompson Construction, \$ 13,228.75 for work completed to date on Sanitary Sewer Repair project.
 - c. Southeast Drainage Improvements
 - d. Miscellaneous

11. RESOLUTION 2011-19/The architect recommended payment approval.
 Council consideration and action to approve pay request #5 from Calabretto Building Corporation, \$72,132.83 for work completed to date on the Library Renovation.

12. RESOLUTION 2011-20/Council consideration and action to authorize the Mayor to extend the interlocal agreement with Douglas County for library services.

13. LITIGATION REPORT.
 - a. SID #196 vs City of Valley
 - b. Bellino Fireworks vs City of Valley
 - c. Ueberrhein et al vs City of Valley

14. MAYOR'S REPORT.

VALLEY POOL OPENS
 Memorial Day Weekend
 May 28, 2011

VALLEY COMMUNITY GARAGE SALES
 June 4 & 5

SHOW & SHINE
 June 12, 10 – 3