

## PUBLIC HEARING

April 14, 2020

Mayor Smith opened the hearing at 7:00 p.m.. Present were: Mayor Smith, Council members Grove, Lewis, Ueckert & Stanzel who participated in the meeting via remote access.

Proof of Publication was on the council table.

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

### **APPLICATION FOR CHANGE OF ZONING**

Mayor Smith opened the hearing at 7 p.m. for public input & comment on the rezoning request from R-2 Medium/High Density Residential to TA Transitional Agriculture at 28420 State Street, Schult Addition Lot 1 Block 0. The Planning Commission recommended approval at the March 17 meeting.

There were no questions or comments.

The hearing was closed and adjourned at 7:01 p.m.

## MINUTES

April 14, 2020

Mayor Smith called the meeting to order at 7:01 p.m. Present were mayor Smith; council members Grove, Lewis, Ueckert & Stanzel who participated electronically, city attorney Andrea Griffin, 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.

Council member Lewis led the Pledge of Allegiance.

Proof of publication was on the council desk.

Visitors & Correspondence –The Mayor invited anyone present who wished to address an agenda item & is not on the agenda to come forward at this time, noting they will have 3 minutes to speak.

The Mayor read a thank you note from the family of Al Meyer. National Library Week, April 19-25 & Arbor Day April 24 proclamations were posted in the council chamber.

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

Grove moved to approve the consent agenda. Lewis seconded. All in favor, motion carried. Items on the consent agenda were to accept March 10 public hearing & meeting minutes, treasurer's report, March payroll, \$66,538.19/IRA \$970.62, March keno receipts \$3,273.82,

PeopleService, Inc. report, March library statistics, March 11 & April 8 Cemetery Board and March 17 Planning Commission minutes. Reappointments: Cemetery Board 3 years – Dean Slader; Library Board 4 years – Teresa Mejstrik; Planning Commission 3 years – Joe Lathrop; Tree Board 3 years – Betty Willmer, Troy Hardman & Gin Schauer. Recommend approval of Special Designated Liquor License application of Valley Veterans Club for fundraisers to be held July 18, August 15, September 19, October 17, November 21 & December 19, 2020 from 12 p.m. to 12 a.m. at 111 East Front Street, Valley, Nebraska. Approve bills paid during the month and bills and additional bills presented for payment. **Supplies:**; Ace 16.52; Amazon 797.60; Arps 418.75; Aspen 225.92; Chlorinators 1676.95; Core & Main 873.97; The Cure 866.52; Dollar Gen 12.50; Elkhorn Auto 937.30; Embroidery Conn 101.50; John Deere Financial 1438.28; Kirby Auto 781.56; Lincoln Winn 1096.75; Loves 870.99; Lowes 72.17; Martin Marietta 162.16; Michael Todd 1513.95; Menards 1087.91; OfficeNet 694.55; Pavers 236.25; Petty cash 71.91; Staples 18.99; Two Rivers 1537.65; USPS 436.89; Valley Phar 6.18; Wex 1161.08; **Services:** Andersen Plumbing 6275.00; Aflac 661.14; Black Hills 681.70; ChargePoint 375.00; Credit Bureau 295.29; Cox 1082.17; DHHS 120.00; DC Env 865.57; DC Gazette 223.01; Everetts 640.71; Fairfield Inn 219.90; J Farnham 4428.00; FNB 5962.50; FSB 5962.50; FNB 1496.70; Fremont Util 21757.70; Gingerich 5760.00; Grefe 6950.00; Green's 51.95 Hawkins 606.25; JD's 73.95; Jetco 1170.00; Jones Auto 88.64; Judds Bros. 95310.00; Lanoha/Bluewater 55290.27; Mallard 61571.26; Mastercard 477.20; Linc Finan 767.12; League 26.00; Matzen 799.90; MAPA 24.00; Menard's 6376.11; NCS 576.02; NE Sweeping 5371.06; NE Emergency 665.00; O & P 18173.44; OPPD 13603.15; Ortmeier 22500.00; PeopleService 22081.00; Pap San 427.86; Post Master 240.00; Univar 1080.00; Verizon 545.44; West-E-Con 2341.12; Window Pro 90.00; **Taxes:** Fed 15561.03; NE 2351.07; **Reimburse/Refund:** Charleston 500.00; Landmark 1000.00; Muhle 32.63; Trademark 750.00; Perry/Robels/Sindelar/Jensen/Masters/Basalay/Ramm Con/Hurd 150.00 each.

Council consideration of rezoning request that was denied by the Planning Commission – Council members asked why the application was denied & what options were considered. Mayor Smith has talked to Keith Marvin regarding updating the future land use map & comprehensive plan. Michael Burns stated the Planning Commission decision was based on the possibility of future residential housing in that area.

Jim Nachreiner, JMN Construction stated his case for having the property rezoned

Bob Hampton, Flatwater Developer stated his reasons for not rezoning the property.

Discussion followed regarding mining permit, homeowners don't want commercial and rezoning now & in the future.

Ueckert moved to rezone the property to commercial & to rezone back to residential in the future. The motion died for lack of a second.

Ueckert moved to rezone the property to C-3 Highway Business. Grove seconded. All in favor, motion carried.

Council member Grove moved to suspend the rules for consideration of Ordinance No.736 entitled: AN ORDINANCE AMENDING THE ZONING REGULATIONS OF VALLEY, DOUGLAS COUNTY, NEBRASKA; FINDING THE PROPOSED AMENDMENT WAS DULY SUBMITTED TO THE PLANNING BOARD OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FOR ITS RECOMMENDATION AND THAT IT RECOMMENDED THE ADOPTION OF THE

AMENDMENT FINDING THAT NOTICE OF HEARING ON SUCH AMENDMENT WAS DULY GIVEN PRIOR TO THE HEARING AS PROVIDED BY LAW AND THAT SUCH PUBLIC HEARING WAS HAD THEREON FINDING THAT THE ZONING MAP OF VALLEY, DOUGLAS COUNTY, NEBRASKA BE AMENDED AS FOLLOWS: THAT THE DESCRIBED REAL PROPERTY BE REZONED FROM R-2, MEDIUM/HIGH DENSITY RESIDENTIAL TO TA, TRANSITIONAL AGRICULTURAL. Schulte Addition, Lot 1 Block 0 Ex S 17 Ft – Irreg 1.94 Acres. Stanzel seconded the motion. All in favor, motion carried.

Council member Grove moved for final passage. Ueckert seconded. All in favor, 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.737 entitled: AN ORDINANCE TO AMEND AN EXISTING SECTION OF THE CITY OF VALLEY MUNICIPAL CODE RELATING TO THE CONTROL OF EXCESSIVE NOISE, PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH. Grove seconded. All in favor, motion carried.

Council member Ueckert moved for final passage. Grove seconded. Ueckert, Grove & Stanzel voted YES. Lewis voted NO, motion carried. A true, correct & complete copy is on file at city hall.

Council member Lewis introduced, read & moved for passage of Resolution No. 2020-13, to authorize Mayor Smith to execute an agreement with Twin Rivers YMCA to operate the outdoor pool for the 2020 season. Grove seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Item 13. Council consideration & action to close North Pine Street between Front Street & the alley for a fundraiser. The event has been cancelled.

Chief Smith reported the number of false alarm calls between January 1, 2019 & February 29, 2020. Discussion about billing, collection of fines, enforcement and service disruptions followed. Council consensus was to table action pending more information.

City Attorney – Council members had received the memorandum from the city attorney that outlined the provisions of the Flatwater 2 & 3 subdivision & the letter of irrevocable credit agreements.

Grove introduced, read & moved for passage of Resolution No. 2020-15 authorizing Mayor Smith to execute the subdivision agreement & the irrevocable letter of credit agreement for Flatwater 2 & 3. Ueckert seconded. All in favor, motion carried. A true, correct complete copy is on file at city hall.

City Engineer - a. Flatwater improvements Phase 1 Update. Greg Perry reported the lift station is operational & pumping. The manhole cover is scheduled to be completed tomorrow.

b. Flatwater Improvements Phase 2 Rebid (Sanitary Sewer and Water Main) Council members reviewed the bids received. Mr. Perry recommended the bid be awarded to Vrba Construction. Grove moved to award the project for Flatwater Phase 2 sanitary sewer & water main to Vrba Construction, \$1,523,369.50. All in favor, motion carried.

c. Flatwater Improvements Phase 2 (paving) – following review of the bids that were received in January 2020, Mr. Perry recommended the contract be awarded to Steve Harris Construction, Inc.

Lewis moved to award the Flatwater Phase 2 paving project to Steve Harris Construction, Inc. \$502,093.60. Ueckert seconded. All in favor, motion carried.

d. Flatwater Improvements Phase 3 (Paving) – the bids received January 2020 were reviewed and Mr. Perry recommended the contract be awarded to Steve Harris Construction, Inc.

Grove moved to award the Flatwater Phase 3 paving project to Steve Harris Construction, Inc. \$362,417.48. Ueckert seconded. All in favor, motion carried.

e. 2019 Flood Recovery Gardiner Street Pumping Station – Jim Olmsted reported the project is 40% complete. He recommended approval of Judds Brothers Co., pay request 3,

Grove introduced, read & moved for approval of Judds Brothers Construction Company pay request No. 3, \$95,310.00. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

f. Other Updates / Miscellaneous - 1. 2019 Flood Recovery Valmont Lift Station Rehab Update Mr. Olmsted reported he & PeopleService are working with two companies to get prices.

2. Front Street Pavement Reconstruction – July start date for the project.

3. 2019 Flood Recovery Ball Field Restoration Project. The contracts are signed & work will begin in two weeks.

4. Timber Shores SID Drainage Project. Greg Perry will continue to monitor the project.

5. Country Aire 2 – May 4<sup>th</sup> is the scheduled date for utility work to begin.

6. Elkhorn Athletic Association (EAA) project. There has been no activity on this project.

7. Quasar Drive In Theater – Sewer Service Agreement. The attorneys are working on agreements.

Mayor's Report – Planning Commission Zoom / Call in Meeting is April 21 – 4:30 P.M., Valley Days Zoom / Call in meeting, nothing in person, is April 21 - 6 P.M., Arbor Day Tree Planting – April 23 - 2 p.m. – in the Arboretum, Valley Clean Up Day is Saturday May 2 from 9 to 2, Twin Rivers "Y" Dinner & Auction is postponed to a later date; Valley Shores Assessments – Received \$2,133.09 with February property taxes – leaving a balance of \$56,586., Officer Strudl has resigned effective April 20. Chief Smith is filling in with part time officers until Robby Coffey is deployed, Work on the last piece of ditch along Highway 64 (Ida Street) was completed last week, Public Works have used a couple loads of material patching potholes & are also doing concrete repair & replacement, Received notice from FEMA the Pines culvert intersection replacement funding has been approved for payment, Valley has been assigned a new FEMA rep, Joe Kezar, Valhaven Administrator reported there no Covid 19 cases at Valhaven, There also are none at Valley Lakes (Orchard Gardens). Both facilities continue to maintain lockdown procedures. Rise Broadband plans to install a 1" dish on the water tower in the near future. Council approved the installation at the March 2019 meeting.

The meeting adjourned at 7:56 p.m.

Mayor Carroll L. Smith

City Clerk Joan Suhr

