

MINUTES  
REGULAR MEETING  
August 11, 2020

Mayor Smith called the meeting to order at 7 p.m. Present were mayor Smith; council members Grove, Lewis, Stanzel & Ueckert, city attorney Jeff Farnham, 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 Stanzel 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 three minutes to speak.

Lewis 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 7/14 public hearing & meeting minutes, treasurer's report, July payroll \$95,598.83 / IRA \$1,340.55, July Keno receipts \$6,970.13, PeopleService, Inc. report, 7/15 Cemetery Board, 7/21 Planning Commission & 7/27 Board of Adjustment minutes. Approve bills paid during the month, bills & additional bills presented for payment. **Supplies:** Ace Outdoor 67.08; Arps 997.12; Amazon 1276.84; Aqua Chem 553.75; Bauer Built 4760.50; Core & Main 11253.87; The Cure 419.80; Dicks 12.58; Egan Supply 44.72; Host 56.55; John Deere 323.24; Kirby Auto 37.80; Linc Winwater 681.04; Logan Cont. 217.72; Loves 1172.07; Lowes 442.04; Menards 684.81; Michael Todd 1306.99; Nutrien 1318.75; OfficeNet 1036.49; Petty Cash 30.60; Poster Comp 71.69; Sherwin Williams 994.53; United Rental 51.36; USA Bluebook 2013.27; Valley Pharm. 61.09; Zep 214.52; **Services:** Aflac 991.71; Andersen Plmbg 3000.00; Black Hills 198.32; Cox 1090.40; DC Env 815.86; DC Gazette 246.58; Everett's 1675.71; J Farnham 5807.50; FNB/bond 5962.50; FSB 5962.50; FNB 4034.34; Fremont Util 28125.90; J.D's 68.00; Johnson Controls 101.91; Juds Bros 141016.35; Layne Christensen 2450.00; Leads on Line 1188.00; League 13739.00; Linc Finan 670.82; L Meyeres 320.00; Mastercard 279.99; Matzen 799.90; Marvin Con 550.00; NE Support 864.03; Ne Sweep 2689.72; O & P 20301.97; OPPD 14292.88; PeopleService 22081.00; Pap San 242.52; Century Link 83.84; Twin Rivers 13723.15; Verizon 235.09; WindowPro 80.00; **Taxes:** Fed 23172.78; NE 3629.09; **Reimburse/Refund:** Mallard 6148.26; Lanoha/Bluewater 18677.52; Ideal Design 1000.00; Musson 100.00; Darland 1000.00; Archistructure 2400.00; Wolter / Warren / Kent / Hillman / Westergaard / Mergens / Wise / Trew / Thielen / Housch / Pruch / Elscheid / Rutten / Gottuso / Heinert / Adam 150.00 each.

Stanzel moved to recommend to the Liquor Control Commission approval of the manager application of Misty Beutler for Love's Travel Stop #631. Lewis seconded. All in favor, motion carried

Stanzel moved to approve the request of Treg Drews to block 269<sup>th</sup> Street from the Taylor Street curve to Ruggles Street from 6 to 10 p.m. on September 18 for a movie night / street party for kids. Grove seconded. All in favor, motion carried.

Marv Wiese representing 3M Plant explained the request to allow 3M to expand the exit road from the plant by 12 feet to the west to provide a turning lane for improved traffic flow. The request was supported by a letter from the city engineer stating the driveway location has adequate intersection distance & 3M has indicated they will install the required signage for the 3 lane section per MUTCD standards.

Lewis moved to allow 3M Plant to expand the exit road from the plant 12 feet to the west. Ueckert seconded. All in favor, motion carried.

Mr. Farnham suggested proposed Ordinance No. 739, to permit chickens in the city, needs to have provisions to pull a permit, to have a procedure in place & limit chickens to the backyard.

Council member Grove shared results of a survey she had posted on her facebook page. There were 48 responses, 80% were Valley Residents, 20% resided In the area. 79.17% were in favor of the City allowing chickens in the city limits, 20.83% were not. In response to the question of would you get chickens if they were allowed - 48.75% responded yes, 39.58% responded no and 16.67% were unsure. Nathan Krauel, 208 East Sunset introduced himself as the person who originally made the request. An email received from Renee Muhlbauer 130 West Vass Street was read into the record.

“To whom it may concern, Thank you for allowing my comments to be read as I was unable to attend this evenings meeting. When my children and I bought a home in Valley, we were excited to finally have a space of our own where we could have chickens. It never occurred to us that it wouldn't be a possibility. After all, we could have had them in Omaha and Elkhorn, even my sister in San Francisco keeps chickens in her back yard in the city. When moving further away from Omaha, it seemed like a given that chickens were an option. Imagine my surprise when I found out that our town wouldn't allow us to have some backyard chickens! There were some very disappointed people at my house! Maybe it doesn't seem like a big thing, but I was truly looking forward to my kids having a small experience with “farm” animals, having the responsibility of taking care of them, collecting the eggs and using them in our cooking, etc. I ask that you please give consideration to changing the current law to allow chickens (hens, not roosters) to be kept in town as so many other communities also allow. Thank you, Renee Muhlbauer.”

Mr. Farnham will review & revise the ordinance. Council member Grove will post the survey on the City facebook page.

CITY ENGINEER – Gardiner Street Storm Water pumping station – Jim Olmsted reported the project is completed, started up & tested. The change order reflects an increase in testing allowance, OPPD electrical service cost, addition of link-seal to all piping connections & install electrical platform to meet code. He recommended council approve the change order, final pay request application & acceptance of the project & final close out documents.

Grove moved to approve Change Order No. 1, an increase \$17,626.35. Stanzel seconded. All in favor, motion carried.

Council member Lewis introduced, read & moved for passage of Resolution No. 2020-31 to approve Judds Brothers Construction pay application No. 6 (final) for \$141,016.35. Ueckert seconded. All in favor, motion passed. A true, correct & complete copy is on file at city hall.

Stanzel moved to approve Acceptance of Project & Final Close Out, Certificate of Substantial Completion, Consent of Surety Company to final payment & Contractor's Affidavit of Payment of Debts & Claims. Grove seconded. All in favor, motion carried.

Valmont lift station repair – Pre-construction meeting is scheduled for 9 a.m. August 18 at City Hall.

Flat Water Phase 2 Utilities – Greg Perry reported the project is 65% complete. 75% of gravity sewer will be finished by the end of the week. He recommended approval of the pay request.

Council member Stanzel introduced, read & moved for passage of Resolution 2020-32 to approve to developer Vrba Construction pay application #2 for \$455,938.58 And Olmsted & Perry \$4,108.63. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Flat Water Phase 3 Rebid (Sanitary Sewer, Storm Sewer & Water Main) – Greg Perry reviewed the bids received July 9, 2020 & recommended the project be awarded to Vrba Construction. He added the developer understands he is proceeding at his own risk. The ongoing bridge discussion is on the August 18 Planning Commission agenda.

Stanzel moved to award the bid for Flatwater Phase 3 sanitary sewer, storm sewer & water main be awarded to Vrba Construction. Grove seconded. All in favor, motion carried.

Country Aire 2 Paving – Council member Lewis expressed displeasure with the project citing tall weeds, no advance notification & the need to control the situation.

Council member Stanzel added he received several videos of work being started at 6:30 a.m. in violation of the noise ordinance.

Mr. Perry will pass along the concerns to the developer. Talks continue with Century Link to move the pedestal which is impeding paving progress. He recommended council approve the pay request.

Council member Grove introduced, read & moved for passage of Resolution No. 2020-33 to approve to Developer payment of Steve Harris Construction pay application #1 for \$322,773.57. Stanzel seconded. Grove, Stanzel & Ueckert voted YES. NO; Lewis, motion carried. A true, correct & complete copy is on file at city hall.

Country Aire 2 Water & Sewer Improvements- - Mr. Perry noted the project is complete & recommended approval of the change order, final pay request & close out documents.

Stanzel moved to approve change order No. 1 decrease of (\$4,274.17). Lewis seconded. Stanzel, Ueckert & Grove voted YES. NO; Lewis, motion carried.

Council member Ueckert introduced, read & moved for approval of Resolution No. 2020-34 to approve to SID 604 payment of Compass Utility LLC pay application #3 (final) \$29,703.32. Stanzel seconded. Ueckert, Grove & Stanzel voted YES. NO; Lewis, motion carried. A true, correct & complete copy is on file at city hall.

Grove moved to approve Acceptance of Project & Final Close Out, Certificate of Substantial Completion, Consent of Surety Company to final payment & Contractor's Affidavit of Payment of Debts & Claims. Stanzel seconded. Grove, Stanzel & Ueckert voted YES. NO; Lewis, motion carried.

FEMA Projects Update – Jim Olmsted reported the engineering, design & specifications are ready & waiting for approval to proceed from FEMA. Close out for Judds Brothers is ready to submit to FEMA for reimbursement.

City Attorney – Mr. Farnham has received no response from L & J development regarding the subdivision agreement.

Four ordinance violation cases went to court. One was fined \$50 plus court costs, three had made some progress, not acceptable, & were continued to September 4.

Mr. Farnham is researching an interlocal agreement for Omaha City Prosecutor to try ordinance violations.

Developer Bob Hampton wants a waiver on the Flatwater bridge width & is on the August 18 Planning Commission agenda.

The agreements for Qusar drive in theater had been going to the wrong email address, should now be progressing quickly.

Mayor's Report – Planning Commission meets 8/18 at 4:30; Valley Days wrap up meeting is 8/18 at 6; Budget work session 8/18 at 7; Council meets with Kent Speicher 8/25 at 7 for budget review.

Valley Days was a very successful & enjoyable event. Hats off to the organizers & volunteers who made it happen

The Library is back at full staffing – they plan to conduct a Story Walk (which was originally planned for Valley Days) in Rogert Park. Story board signs will be posted along the sidewalk from Friday to Wednesday each week. The library staff is pretty excited & will continue this project as long as there is interest.

The meeting was adjourned at 7:40 p.m.

Mayor Carroll L. Smith

City Clerk Joan Suhr