

MINUTES  
REGULAR MEETING  
November 10, 2020

Mayor Carroll Smith called the meeting to order at 7:00 p.m. Present were mayor Carroll Smith; council members Linda Lewis and Byron Ueckert. Council members Grove and Stanzel participating via video conference. Mayor Smith noted the location of the open meetings act, and stated one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

Assistant city clerk, Cheryl Eckerman, led the Pledge of Allegiance.

Proof of Publication was on the council desk.

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

Council member Lewis moved to approve the consent agenda. Stanzel seconded. Lewis, Stanzel, Grove and Ueckert voted YES. NO; no one, motion carried. Items on the consent agenda were to accept October 13 public hearings and meeting minutes, October 27 special meeting minutes; treasurer's report; October payroll \$67,473.31 / IRA \$1,053.46; October Keno receipts \$3,785.70; PeopleService, Inc. report; October Library Statistics, July 9 Library Board minutes; October 14 Cemetery Board minutes; approve bills paid during the month, bills and additional bills presented for payment.

**Supplies:** AE Supply 1750.00; Aaron Rippe 518.70; Amazon 1013.98; Arps 1936.50; Caterpillar 6100.00; Dick's 1.25; Evoqua 13231.44; Host 31.40; Hotsy 313.00; John Deere 79700.00; Jones 1040.34; Kirby 208.90; Loves 1168.05; Lowes 94.00; Martin Marietta 742.13; Menards 581.60; Mastercard 1770.00; Michael Todd 3197.24; OfficeNet 1068.02; Publication Printing 43.40; Red Wing 100.00; Smith & Loveless 62619.00; Tractor Supp. 2597.83; Two Rivers 749.79; Postmaster 496.45; **Services:** Aflac 773.94;; A-Plus 8000.00; Big Tints 596.39; Black Hills 328.17; Blackmax 12650.00; Cornhusker 241.50; Cox 1089.34; DC Env 738.99; DC Gazette 868.11; Gworks 7159.01; Erickson 3700.00; J Farnham 1526.00; FNB 3009.08; Fremont Util 19937.00; Iowa Pump 8343.02; J.D's 51.00; Jetco 1383.00; Larsen 578.28; Marv's Tree Ser 500.00; Matzen 799.90; Methodist 181.50; Millard Sprinkler 230.30; NE Support 788.32; Ne Sweep 2825.30; NE Arbor 100.00; NE Emergency 3720.00; O & P 5116.20; OPPD 12526.03; PeopleService 22985.00; Pap San 84.02; Sarpy Co Clerk 65.70; Valley Shores HOA 4800.00; Verizon 253.18; WindowPro 20.00; **Taxes:** Fed 16956.51; NE 2634.30; **Bond Payments:** FNB/bond 5962.50; FNB/bond 5962.50; **Reimburse/Refund:** Hofer Homes 750.00 / Frontier Builders 1000.00 / HC Remodel 500.00 / Nordell 63.94 / Robbins 1000.00 / Vencil 1000.00 / Remmick 300.00 / Swanstrom, Crinkovich, Lash, Biesterfeld, Cremers, Karimjee, Thayer, TenEyck, Daffer, Sorensen, Dolan, Kotil, Bianchi, Guarino, Conrad 150.00 each; **Ins:** BCBS 8627.18, Linc Finan 717.98; Morgan White 1218.32; **TIF:** Bluewater 10037.48; Mallard 4854.73.

Jody Konz, 26815 Manderson Street, addressed the council concerning the use of creosote railroad ties and telephone poles in a residential setting. She stated that these items contain harmful chemicals that can cause environmental issues. The council directed the city attorney to research the use of products containing creosote and report back to them prior to the December meeting.

Pat Champagne addressed the council regarding access to the rear/back of 315 Adams Street. Mrs. Champagne stated in her request that the council and the contractor/developer had previously agreed that an easement would be granted behind all the houses on Adams Street. The city engineer explained that there never was any easement or right-of-way designated for this purpose. The city attorney advised the Champagne's that since the city does not own the property any longer – their remedy would be to ask the developer, Mr. Tomanek, to grant them an easement to allow access to the back of their property. Council member Lewis told the Champagne's to let her know when they get a meeting set up with Mr. Tomanek.

Rich Style, #2 Ginger Cove Road, requested permission to run electricity to the covered bridge in Ginger Cove. He said that they would like to install fixtures at the top to provide light at night when people are walking and some additional outlets to be used for Christmas decorations. Council member Stanzel made a motion to allow the installation of lights and outlets for electricity on the covered bridge in Ginger Cove. Lewis seconded. Stanzel, Lewis, Ueckert and Grove voted YES; NO; no one, motion carried.

Discussion was held on the request from Michael Steinbach to vacate a portion of Garvin Circle, east of 288<sup>th</sup> Street. Mr. Steinbach stated that he met with the city engineer and came up with a solution that would satisfy the interests of all parties including Douglas County. Jim Olmsted explained that the long-term planning vision is to have a connection between 276<sup>th</sup> and 288<sup>th</sup> Street, without having traffic go all the way north to Rainwood Road. To allow for this he said that in exchange for the vacation of approximately 860 feet of Garvin Circle, Mr. Steinbach has agreed to dedicate a 100-foot right-of-way adjacent to, and parallel with Highway 275 to allow for construction of a future frontage road for access. In addition to this, in order to comply with future development of lands north of Highway 275 and between 276<sup>th</sup> and 288<sup>th</sup> Streets, Mr. Steinbach will not object to the continuation of the frontage road easterly to comply with the City's future transportation plan.

Council member Lewis introduced, read and moved for passage of Resolution No. 2020-52 recommending that the requested vacation of a portion of Garvin Circle by Michael Steinbach be granted by Douglas County. Ueckert seconded. Lewis, Ueckert, Stanzel and Grove voted YES. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Cindy Grove, representing Valley Days Foundation, reviewed a request to close Front Street and Spruce from 5 to 7 p.m. on Saturday November 28<sup>th</sup> for the 3<sup>rd</sup> Annual Christmas Tree Lighting event. She stated that a short lighted parade will be added this year.

Council member Stanzel moved to grant permission to close Front and Spruce Street from 5 p.m. to 7 p.m. on Saturday November 28 for the Downtown Valley Christmas Tree Lighting. Lewis seconded. Stanzel, Lewis and Ueckert voted YES. NO; no one. ABSTAIN: Grove. Motion carried.

Council member Grove moved to recommend approval of the manager application of Pat J. Doering for Love's Travel Stop #631 to the Nebraska Liquor Control Commission. Lewis seconded. Grove, Lewis, Stanzel and Ueckert voted YES. NO; no one, motion carried.

Council member Grove introduced, read and moved for passage of Resolution No 2020-47 to renew the agreement with Nebraska Department of Transportation for snow removal on Highway 64 outside the city limits. Lewis seconded. VOTE: YES; Grove, Lewis, Stanzel and Ueckert. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Council member Ueckert introduced, read and moved for passage of Resolution No. 2020-48 certifying that James J. Olmsted, License Number S-408 Class A, was appointed City Street Superintendent of City of Valley, Nebraska from January 1, 2020 to December 31, 2020. Lewis seconded. VOTE: YES; Ueckert, Lewis, Grove and Stanzel. NO; no one, motion carried.

City Engineer – a. Flatwater Improvements Phase 2 Rebid (Sanitary Sewer, Storm Sewer & Water Main).

Council member Grove introduced, read and moved for passage of Resolution No. 2020-49 to approve to developer Vrba Construction pay application #5 for \$17,167.75 and Olmsted & Perry \$8,468.08. Lewis seconded. Grove, Lewis and Ueckert voted YES. Not voting: Stanzel. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

b. Flatwater Improvements Phase 2 Paving – Greg Perry reviewed Change Order No. 2 and the pay request from Steve Harris Construction and recommended approval of same and final acceptance of the project.

Council member Ueckert moved to approve Change Order 2 in the amount of \$22,303.47 decrease. Lewis seconded. Ueckert, Lewis and Grove voted YES. Not voting: Stanzel. NO; no one, motion carried.

Council member Stanzel introduced, read and moved for passage of Resolution 2020-50 to approve to developer Steve Harris pay application #3 for \$47,470.91 and Olmsted & Perry \$12,998.78. Lewis seconded. Stanzel, Lewis, Grove and Ueckert voted YES. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

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

c. Flatwater Improvements Phase 3 Paving- Greg Perry reviewed the change order for additional paving.

Council member Stanzel moved to approve Change Order 1 in the amount of \$16,358.47 increase. Grove seconded. Stanzel, Grove, Lewis and Ueckert voted YES. NO; no one, motion carried.

d. Sanitary Sewer Repair Update – Jim Olmsted stated that this is a 2019 Flood project which is being re-bid because no bids were received from the first advertisement. The re- bids will be opened November 19.

e. Valmont Lift Station Repair Update – Jim Olmsted stated that this is also a 2019 Flood project. Progress is being made by the three contractors: Smith and Loveless, Neuvirth Construction and West-E-Con Electric. He recommended a progress payment be made to Smith and Loveless for work completed to date.

Council member Lewis introduced, read and moved for passage of Resolution 2020-51 to approve Pay Application No. 1 to Smith and Loveless in the amount of \$62,619.00. Ueckert seconded. Lewis, Ueckert, Grove and Stanzel moved YES. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

f. Street Reconstruction Project - Jim Olmsted stated that this project is currently in the design phase with bidding expected late winter.

g. Water Treatment Plant Expansion – Jim Olmsted stated that test borings are being reviewed and they are beginning to work on the design phase.

City Attorney – a. Ordinance No. 739 - Mr. Farnham stated his office needs guidance on enforcement procedures and other details to be included in this ordinance relating to permitting of chickens within the corporate city limits.

Mr. Farnham stated his office is actively working on the notices to file on the 2001 Water/Sewer Extension District, title work for Groundscapes and Take Cover Storage, L & J Subdivision filing of plat and a request for a meeting sometime after December 1 with the Valley Suburban Fire Protection District No. 5 relating to future expansion and building.

Mayor's Report-

Congratulations to the successful candidates in the election

Valley has received notice they will receive \$78,304.94 from the Cares Act.

Council member Ueckert moved to adjourn. Lewis seconded. Ueckert, Lewis, Grove and Stanzel voted YES. NO; no one, motion carried. The meeting was adjourned at 8:00 p.m.

Mayor Carroll L. Smith

Assistant Clerk Cheryl K. Eckerman