

CITY OF VALLEY
BOARD OF EQUALIZATION
PUBLIC HEARING
October 08, 2019

Present were: Mayor Smith, Council members Grove, Lewis, Stanzel & Ueckert.

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

VALLEY SHORES PAVING ASSESSMENT

Mayor Smith opened the hearing at 7 p.m. The Mayor & City Council are sitting as Board of Adjustment & Equalization to consider proposed assessments connected with Valley Shores Paving Improvement District No. 2018-1.

City attorney Jeff Farnham noted one objection has been received & read the following into the record. "To City of Valley In reference to paving assessment 2018-1 parcel #143 My parcel (143) does not have any driveway access to or has produced any traffic on streets in Valley Shores subdivision. I had purchased this lot in July of 2018 and have never been contacted by the City of Valley concerning project 2018-1 on an assessment to be made against my lot for the project. Therefore, I object to any assessed amount against my property for Paving District 2018-1. Sincerely, Signed by Jay Gould 10/7/2019"

There were no additional comments or questions.

The hearing was adjourned & closed at 7:04 p.m.

Mayor Carroll L. Smith

City Clerk Joan Suhr

CITY OF VALLEY
PUBLIC HEARINGS
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Present were: Mayor Smith, Council members Grove, Lewis Stanzel & Ueckert.

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.

1. CONDITIONAL USE PERMIT

Mayor Smith opened the hearing at 7:04 p.m. for public input & comment on the Conditional Use Permit application of Two Rivers Sand & Gravel to extend sand & gravel mining operations to the north. Onto Lands, Sec 7, T15N, R10 Irregs. S 601.5 Ft E ½ , NE ¼ of the 6th P,M, Parcel ID 01064800009. The Planning Commission held a public hearing September 17, 2019 & recommended approval of the request. Zoning Administrator Michael Burns explained this is an extension to the north of mining operations currently in progress & will tie into an existing conditional use permit issued by Douglas County.

There being no questions or comments the hearing was adjourned at 7:05 p.m.

2. Preliminary Plat

Mayor Smith opened the hearing at 7:05 p.m. for public input & comment on preliminary plat application for part of the NE ¼, of the NE ¼, OF Lands Sec 1, T15. R9, except for Jefferson Circle-Irregs S 720.59 W 661.97 together with N 264.61 S 648.61 W 625.00 E 658 NE ¼ Sec 01.15.09 FKA S 25 Ft lot 24 & all lots 25 thru 86 Country Aire Addition. The Planning Commission held a public hearing September 17, 2019 & recommended approval of the preliminary plat.

Kelly Hinrichs, 223 West Meigs Street – during the flood, all the water drained to that property. The biggest concern is in the event of another flood with those properties built up will it create a dam & no one knows how the water will flow.

Doug Dressen, 10836 Old Mill Road – We are familiar with the property & our review shows it is in the floodplain. The houses will be elevated with the yards sloping down to the streets to drain.

Mr. Hinrichs asked how high the houses will be elevated? Mr. Dressen answered the swale behind your house will still be there.

Linda Lewis – 6' of water in the basement. Mr. Dreesen answered we are not sending additional water, we are not diverting but are maintaining drainage.

Linda Lewis – My driveway is 6" on my side of the lot line, where will the property end? Discussion followed regarding lot lines, right-of-way, drainage & easements. Mr. Dreesen noted easements are for utilities. Michael Burns stated setbacks are 5' for side yards & 25' for rear yards. Jim Olmsted added the houses will face north which would put the back yards toward the Lewis property.

Melanie Hayden read the following into the record: "For the record my name is Melanie Hayden residing at 903 S. Valley View, Valley, NE 68064, a Country Aire Homeowner. It is clear that this new development has stirred up some strong opinions. What I have personally gathered is that the concern surrounding this project is unanimous, "Where will the water go?" I personally challenge this thought as well. The concern for drainage is valid and justified when you look at the current challenges we face

today as homeowner's and clearly the history of Meigs Street meeting the North end of Valley View Street that becomes a small pond after something as little as a rainfall. The same problem is also present by the trailer park on S. West Street and W. Condron Street. These concerns have been repeatedly reported to the City of Valley with no result in sight. As homeowners we consistently hear, "We are doing our best." I apologize to be so frank, but your best is not good enough. It is irresponsible for the City of Valley to not make our drainage system maintenance a consistent top priority since we reside in a flood plain.

Now I am a supporter of this new housing development. Our growing community needs it. I have personally spoken with numerous families and DC West School District Staff members with families that are eagerly awaiting its beginning phases. Now we have an opportunity before us, a developer and team of people that wants to invest into our community. Bringing in exactly what our community is not only desiring but needing. But, unfortunately he (John Tomanek) is taking the brunt of the cities negligence to pay attention to details. Why should he take the heat of current issues that the City has failed to adhere to? We have seen this happen before with this very city council. For instance, the camper pads, residences a year ago expressed their concern and wanted a detail plan of how the city intended to execute the camper pads, Rules & Regulations. Only to have the issue arise again a year later by our very own Chief of Police, that without city ordinances passed, he has no actual authority to enforce those rules and regulations put in place.

I personally would love to see this housing project pass your vote, but don't slack on the details when enforcing rules and regulations on the developers requirements to maintain and create a proper drainage system that works for everyone neighboring this development. Whether it may be directly towards the developer to be responsible for them, within the subdivision agreement or led by an HOA. It must be something that is in place before a problem occurs. Make signs by the drainage system that state if you dump within them it's an automatic \$500.00 fine. The city of Omaha practices this and it would not be out of the norm. My request is that you be proactive!

I am under the understanding that there has been work orders placed with public works that have not been completed or followed up with prior to the year 2019. Perfect example of what we should be striving for in our community is the drainage system we currently have on the south side of Meigs Street and between Mayne Street and S. East Street. Why is this type of drainage system not something we are seeing consistently throughout our community? I propose the developer recreate this exact same drainage system within his housing project. Make it deep, concrete it, and place high levee walls around it in case of an overflow. Most of all, make sure the Hinrich's property located at 223 West Meigs Street Valley, NE 68064, does not become a swamp. They are a valuable family within the community. To have what happen to Scott Hall and Flatwater, happen to them would be greatly frowned upon many within our community. Signed Melanie Hayden. "

Mike Champagne, 315 Adams Street – The developer should get permission to dig a ditch, it must be deep, all the way to Maple, add culverts.

There were no additional comments or questions, the hearing was closed & the public hearings were adjourned at 7:22 p.m.

MINUTES
REGULAR MEETING
October 08, 2019

Mayor Smith called the meeting to order at 7:22 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.

Council member Stanzel 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. There was no correspondence.

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

Stanzel moved to approve the consent agenda. Grove seconded. All in favor, motion carried. Consent agenda items were: Accept 9/10 & 9/26 minutes, Treasurer's report, September payroll, September Keno receipts \$4,090.56, PeopleService report & September 17 Planning Commission Minutes; Approve bills paid during the month & bills & additional bills presented for payment; **Supplies:** Ace 738.67; ARPS 774.88 Amazon 2,480.09; Bomgaars 167.88; Core & Main 837.00; Evoqua Water Tech 14407.60; Iowa Pump Works 6599.09; Jensen Tire 668.00; John Deere Financial 1393.48; Kirby Auto 161.21; Larsen International 519.75; Canteen 270.76; Lowes 910.67; Martin Marietta 1431.98; Menards 524.54; Michael Todd 862.20; OfficeNet 426.09; Petty Cash 40.70; Power Plan 1614.27; Regal Awards 93.00; Rock Hill Sports 999.00; Rob's Oil 917.66; Tractor Supply 128.48; Wex 1813.70; **Services:** Aflac 935.82; Bauer Built 3410.65; Blue to Gold 235.00; BCBS 10320.34; Black Hills 165.96; Cox 1004.61; Chlor. Inc. 1674.70; Daily Record 74.90; Gazette 29.03; Dept. of Rev. 671.31; DC Env 464.20; Elkhorn Fence 1100.00; Everetts 89.45; Wayne George 6525.00; J Farnham 4500.00; FNB 5962.50; FSB 5962.50; Fremont Util 18503.53; Hayden Lawn Care 700.00; J.D. Car Wash 48.45; Jettlers Plumbing 346.95; Iowa Library Assoc. 160.00; Jetco 42394.00; Linc Finan 1002.92; LNM 13234.00; L & L 1537.67; M Matzen 776.60; MAPA 953.00; Millard Sprinkler 5690.00; Mun. Code 80.00; NE Sweep 2314.53; NCS 864.03; NE Sheriff's Assoc. 75.00; O & P 50740.64; OPPD 16888.06; PeopleService 23521.00; Pap San 227.33; Century Link 119.75; Trekk 771.70; Twin Rivers Y 2673.36; Two Rivers Pumping 280.00; Util. Sec. 800.00; West-E-Con 3673.46; Window Pro 20.00; 3 Points Dev. 326,833.00; Mallard Landing 425,820.01; Lanoha/Bluewater 18,8077.39; Menards Inc. 121,080.85; **Taxes:** Fed 23,067.27; NE 3498.42; **Reimburse/Refund:** L. Bequette 295.45; J. Suhr 67.55; USPS 91.88; John Sullivan 1000.00; Bertelsen/Bergman/Jung/Harrington/Pace/Johnson/Hazelwood/Turner/Brewser/Laverdure/Greenwood/Westin/Blossom/Desoe/Lierman/Ulrich/McDermott/Vencil/Hartman/Yin/Siedlik/Backman/Snow 150.00.

Ueckert made a motion to designate First Nebraska Bank as the official depository of the City of Valley. Stanzel seconded. All in favor, motion carried.

John Trecek, Ameritas Investment explained that when Ginger Cove & Ginger Woods were annexed the city took over their bonded debt. The interest on the issues is 4.50% to 4.55%. By combining the two issues into one, the city can eliminate the additional annual bank fees & reduce the interest rate to 1.10%, realizing a savings of \$60,787. He recommended waiving the three readings for the bond ordinance.

Council member Grove introduced, read & moved for passage of Resolution No. 2019-40 to call for payment & redemption of General Obligation bonds-Series 2012, \$315,000. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Council member Ueckert introduced, read & moved for passage of Resolution No. 2019-41 to call for payment & redemption of General Obligation bonds–Series 2014, \$435,000. Grove 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. 726 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS OF THE CITY OF VALLEY, NEBRASKA IN THE PRINCIPAL AMOUNT OF SEVEN HUNDRED SIXTY THOUSAND DOLLARS (\$760,000.00) FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2012, AND REFUNDING THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2014; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM. Ueckert seconded. All in favor, motion carried

Council member Stanzel 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 Lewis introduced, read & moved for passage of Resolution No. 2019-42 to levy special assessments against certain lots & parcels specially benefitted by the project known as Pavement Improvement District 2018-1. Grove seconded. Discussion: Al Jenkins, 8038 North 281st Avenue asked if the final levy amount is \$1787. Mr. Farnham replied, "It is & you have 50 days from today to pay without interest. The interest rate will be set at 3% with a 5-year payback period. The County will send statements." Jay Gould, Lot 143, bought the lot in 2018 & was not aware of the paving district, have not used the street and have no access. Council member Lewis asked what his intentions were for the lot. Council member Grove asked if he plans to use the street to access the property. Mr. Gould has no plans at this time. Mayor Smith noted there was a town hall meeting in July of 2018, everyone was notified. Mr. Farnham added that the law says your property is specially benefitted by the road. VOTE; All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Council member Grove introduced, read & moved for passage of Resolution No. 2019-43 to authorize building official Michael Burns to issue a conditional use permit to Two Rivers Sand & Gravel to extend mining operations to the north. Lewis seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Kelly Hinrichs had nothing to add to concerns he had voiced during the public hearing regarding the proposed Country Aire development.

Council member Stanzel moved to approve the Preliminary Plat of Country Aire 2 in part of the NE ¼, of the NE ¼, of Lands Sec 1, T15. R9, except for Jefferson Circle-Irregs S 720.59 W 661.97 together with N 264.61 S 648.61 W 625.00 E 658 NE ¼ Sec 01.15.09 FKA S 25 Ft - lot 24 & all lots 25 thru 86 Country Aire Addition. Ueckert seconded. VOTE: YES; Stanzel, Ueckert, Grove. NO; Lewis. Motion carried.

Council member Grove moved to suspend the rules consideration of Ordinance No. 727 entitled: AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY IN THE STREET KNOWN AS JEFFERSON CIRCLE. Stanzel seconded. All in favor, motion carried

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

Council member Stanzel introduced, read & moved for passage of Resolution No. 2019-44 consenting to the disconnection of certain territory from the corporate limits of the city of Valley. Ueckert seconded.

VOTE: YES; Stanzel, Ueckert, Grove. NO; Lewis, motion carried. A true, correct & complete copy is on file at city hall.

Stanzel moved to table action on Ordinance No. 728 & Ordinance No. 729, pending more information. Lewis seconded. All in favor, motion carried.

Council member Lewis introduced, read & moved for passage of Resolution No. 2019-45 that parking be prohibited on one side of the street as follows: the east side of 286th Street, the south side of Potter Street, the west side of North 285th Avenue Circle & the west side of 285th Circle. Stanzel seconded. All in favor, motion carried. A true, correct & complete copy is on file at city hall.

Assistant Clerk/Treasurer Cheryl Eckerman reported on progress with FEMA applications: Work has been completed & fully documented on the emergency protective measures, 294th Street culvert & 252nd Street bridge, Meigs & Ginger Woods lift stations, meter readers & city wide debris removal projects. Site inspections will take place October 10 for Front Street, Meigs & Gardiner storm water pumping stations, Valmont wastewater lift station, baseball field & Pines entrance/culvert. Another site inspection will be scheduled once the sewer system televising has been completed.

City Engineer – a. Water System Improvements (Ginger Cove/Ginger Woods) Greg Perry reported the wells have been decommissioned. Street repairs at Ginger Cove are almost completed. There is significant restoration work to be done from lots 44 to 72 in Ginger Woods.

b. Flatwater Phase I – OPPD has power to the site & they should be able to fire up the lift station soon.

c. 2019 flood recovery Sewer CCTV project – Jim Olmsted reported there is damage to parts of the 21,000 feet of sanitary sewer mains. The mains must be televised to determine the location & extent of the damage. Two vendors submitted bids to complete the project. The engineer recommended approval of the bid from Utilities Service Group.

Stanzel moved to award the bid of \$31,554.90 for 2019 sanitary sewer TV inspection to Utilities Service Group. Grove seconded. All in favor, motion carried.

d. 2019 flood recovery Gardiner Street Stormwater Pumping Station – The converted lift station was severely damaged & will be replaced with a more robust station. The project will be completed next spring. The two buildings currently at the site will be demolished. It will need to be designed, bid & built. The Trails, Papio NRD & D C West will meet to discuss drainage issues along Center Street.

e. 2019 flood recovery Valmont lift station rehab – Will need to be completely refurbished.

f. 2019 flood recovery Ballfield Restoration Project – Mr. Olmsted has reached out to Joe Hansen for additional information.

g. 2019 flood recovery Pines Culvert and intersection replacement – Bids for the project will be opened October 10.

h. 2019 flood recovery Highway 64 silt removal – Three bids were received. There was a huge spread in bids submitted.

i. National Weather Service / Lyman Richey ditch grading – Three bids were received again there was a big spread in the bids submitted. The city has agreed to pay 1/3 of the project cost.

Stanzel moved to award the bid of \$6,433.00 for Highway 64 silt removal & to award the bid of \$6,983.00 for Highway 64 Drainage improvements to Mike Grefe Excavating. Ueckert seconded. All in favor, motion carried.

j. Miscellaneous – Country Aire, Section 2 is in the final plat stage.

The final plat for Flatwater Phases 2 & 3 is close to submission for approval

Landscapes Utility Extensions – Thompson Construction will be working under Darland Construction. Work will begin in one week.

There was discussion about the backwash recovery system at the water treatment plant.

City Attorney – His office has been working on the Valley Shores assessments & researching code violation enforcement.

There will be a special meeting October 29. The State has changed submission requirements for One & Six Year Street Plan from March 1 to October 31. There will also be a drainage overview & discussion.

Mayor's Report – The Fire Department breakfast is 10/13 from 7 to noon; Planning Commission meets 10/15 @ 4:30 p.m.; Valmont appreciation dinner is 10/ 15 @ 7 p.m.; FEMA site inspections are scheduled for Thursday October 10. Jim Olmsted, Kenny Grimm, Nate Taylor & Keith Hansen will meet with the inspector(s) to tour; Surprise birthday party Saturday 10/12 from 1 to 3 p.m.; Your invitation to the 2020 Census press conference @UNO October 15 @ 2 p.m. is on the table

A recent fire hydrant flushing incident was discussed.

The meeting adjourned at 8:30 p.m.

Mayor Carroll L. Smith

City Clerk Joan Suhr