

## PUBLIC HEARINGS

September 8, 2020

Present were: Mayor Carroll Smith, Council members Cindy Grove, Linda Lewis, Bryon Ueckert and Mike Stanzel.

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

### **2020 – 2021 BUDGET**

Mayor Smith opened the hearing at 7:00 p.m. for public input and comment to consider the 2020-2021 budget.

Mayor Smith noted the City experienced a substantial valuation increase, resulting in a total levy reduction of 15%.

There were no questions or comments, the hearing was closed at 7:02 p.m.

### **2020 – 2021 SET FINAL TAX REQUEST**

Mayor Smith opened the hearing at 7:02 for public input to set the final tax request.

There were no questions or comments, the hearing was closed at 7:03 p.m.

### **AMENDMENT OF FUTURE LAND USE MAP AND ZONING REGULATIONS**

Mayor Smith opened the hearing at 7:03 for public input on the Amendment of the Future Land Use Map and Zoning Regulations Matrix.

The Planning Commission held a public hearing August 18, and recommended approval of the amendment to the Future Land Use Map and Zoning Regulations Matrix.

There were no questions or comments, the hearing was closed at 7:04 p.m.

### **FINAL PLAT**

Mayor Smith opened the hearing at 7:04 for public input on the final plat of L & J Subdivision located at N. 252<sup>nd</sup> Street and Highway 275 Frontage Road.

The Planning Commission held a public hearing August 18 and recommended approval of the final plat.

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

### **REZONING REQUEST**

Mayor Smith opened the hearing at 7:05 for public input on the application to rezone L & J

Subdivision Lots 1-4 and Out lots A & B from TA (Transitional Agriculture to C-3 (Highway Commercial).

The Planning Commission held a public hearing August 18 and recommended approval of the zoning change.

There being no additional questions or comments, the hearing was closed at 7:06 p.m. and the hearings were adjourned.

MINUTES  
REGULAR MEETING  
September 8, 2020

Mayor Carroll Smith called the meeting to order at 7:00 p.m. Present were mayor Carroll Smith; council members Cindy Grove, Linda Lewis, Byron Ueckert, and Mike Stanzel, city attorney Andrea Griffin, assistant city clerk Cheryl K. Eckerman. Notice of the meeting was given in advance thereof by publication, the designated method for giving notice, a copy of the publication is on file at city hall. Advance notice of the meeting was also given to the mayor and council members and a copy of their acknowledgement of receipt of such notice is on file at city hall. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and council members. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

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.

Council member Lewis 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. Once Council is into the agenda and business meeting there will be no interaction from the floor. A Proclamation declaring September as Kinship Care Month was noted as posted on the council chamber window.

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

Council member Stanzel moved to approve the consent agenda. Grove seconded. Stanzel, Grove, Lewis and Ueckert voted YES. NO; no one, motion carried. Items on the consent agenda were to accept July special meeting minutes, August 4, 18 & 25 special meeting minutes, August 11 regular meeting minutes, treasurer's report, August payroll \$65,16.13 / IRA \$932.16, August Keno receipts \$7,595.97, PeopleService, Inc. report, July & August Library Statistics, August 19 Cemetery Board, August 18 Planning Commission and August 26 Tree Board minutes, Accept resignation of Rob King from Planning Commission and Approve the appointment of Jim Tomanek to fill Rob King's term on the Planning Commission. Approve bills paid during the month and additional bills presented for payment. **Supplies:** Ace 22.90; Arps 997.50; Amazon 992.00; Core & Main 378.00; Demco 189.86; Dicks 22.78; Dinkel 1108.87. Elkhorn Auto 350.00; Evoqua 12684.72; Host 131.65; John Deere 1687.78; Kirby Auto 1114.64; Linc.Winwater 4565.77; Loves 1237.69; Menards 803.85; Michael Todd 4737.45; Nutrien 132.13; OfficeNet 252.59; Publication Print 192.40; **Services:** Aflac 661.14; A-Plus 10900.00; Andersen 1417.93; BCBS 9,114.59; Black Hills 298.26; Blackmax 19000.00; U-Fill-It 150.00; Carl Jarl 205.50; Cox 1087.58; DC Env 969.82; DC Gazette 330.57; Everett's 883.45; J Farnham 6442.50; FNB/bond 5962.50; FSB 5962.50; FNB 1421.70; Fremont Util 24175.10;

J.D's 78.20; Lien 92.00; Lanoha/Bluewater 279559.58; Linc Finan 717.98; Meyeres 160.00; Mallard 441267.55; Mastercard 164.04; Matzen 799.90; Marvin Constul. 200.00; Morgan White 1218.32; Natl Accts 376.54; NE Support 394.53; NE Clerk's 105.00; NE Dept HHS 300.00; NE Rev 25.00; NE Library 500.00; Ne Sweep 2689.72; O & P 132265.44; OPPD 14742.66; ODW 4406.79; PeopleService 22081.00; Papillion San. 242.52; Post Master 388.73; Century Link 14.17; Skys Cover 150.00; Utility Sec. 800.00; Wallace Barnett 150.00; Jeff Widheldm 3230.00; Scantron 10848.07; Windowpro 20.00; **Taxes:** Fed 15959.10; NE 2521.30; **Reimburse/Refund:** Frontier Builders 1000.00; Millard, Uhing, Degeorge, Hagenhoff, Stanton, Gregerson, Zach, Thompson, Hill, Engelmeyer, Bohnoff, Beacom and Paulson 150.00 each.

John Batcher, 72 Ginger Woods Road, addressed the council regarding unauthorized use of fire hydrants, a subject which was discussed at a previous meeting. Mr. Batcher asked for an update on the progress of getting the hydrants that were identified as non-working operational. He also asked for clarification regarding the fire department's use of fire hydrants. Council member Stanzel stated that it is hard to prove who has used or caused damage to a fire hydrant unless you are physically there at the time to see it. Nate Taylor, representing PeopleService, said that they are in the process of purchasing locks that can be put on the fire hydrants to prevent unauthorized use. At the present time they have 26 locks and have applied for a grant to purchase more. The fire department will be provided keys and PeopleService will work with them on scheduling and training. Nate explained that there was miscommunication regarding guidance to fill inside the station versus outside at the hydrant. The Mayor asked them to work together to resolve these issues.

Council member Stanzel introduced Ordinance No. 740 entitled: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE, and moved that the statutory rule requiring reading on three different days be suspended. Council member Ueckert seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Ueckert, Lewis and Grove. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title and thereafter council member Ueckert moved for final passage of the ordinance, which motion was seconded by council member Stanzel. The Mayor then stated the question "Shall Ordinance No. 740 be passed and adopted." Upon electronic vote, the following Council members voted YES: Ueckert, Stanzel, Lewis, Grove. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the assistant clerk attested the passage and approval of the same and affixed here signature thereto. A true, correct and complete copy of said ordinance is on file at city hall.

Council member Stanzel introduced, read and moved for passage of Resolution No. 2020-36 setting the property tax request for the current year at a different amount than the property tax request for the prior year. Ueckert seconded. Stanzel, Ueckert, Lewis and Grove voted YES. NO: No one. Motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Keith Marvin, Marvin Planning Consultants, reviewed the changes recommended by the Planning Commission to be made to the City of Valley Future Land Use Map and Zoning Regulations Matrix. He recommended that due to the continuing growth and development the map and zoning regulations should be reviewed every several years to allow appropriate adjustments to be made.

Council member Stanzel introduced Ordinance No. 741 entitled: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF VALLEY, DOUGLAS COUNTY, NEBRASKA, FINDING THE PROPOSED AMENDMENT WAS DULY SUBMITTED TO THE PLANNING COMMISSION 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 FUTURE LAND USE MAP OF VALLEY, DOUGLAS COUNTY, NEBRASKA BE AMENDED AND ADOPTED, and moved that the statutory rule requiring reading on three different days be suspended. Council member Ueckert seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Ueckert, Lewis, and Grove. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said Ordinance was then read by title and thereafter council member Lewis moved for final passage of the ordinance, which motion was seconded by council member Ueckert. The Mayor then stated the question "Shall Ordinance No. 741 be passed and adopted." Upon electronic vote, the following Council members voted YES: Lewis, Ueckert, Stanzel, Grove. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the assistant clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at city hall.

Council member Stanzel introduced Ordinance No. 742 entitled: AN ORDINANCE OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA TO AMEND EXISTING SECTION 5.06 OF THE VALLEY ZONING REGULATIONS RELATING TO ARTICLE 5: ZONING DISTRICTS, LAND USE CATEGORIES/MATRIX; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Lewis, Ueckert and Grove. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said Ordinance was then read by title and thereafter council member Grove moved for final passage of the ordinance, which motion was seconded by council member Lewis. The Mayor then stated the question "Shall Ordinance No. 742 be passed and adopted." Upon electronic vote, the following Council members voted YES: Grove, Lewis, Stanzel, Ueckert. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor

in the presence of the council signed and approved the ordinance and the assistant clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at city hall.

Council member Stanzel introduced and moved for passage of Resolution 2020-37 to approve the final plat of L & J Subdivision – Lots 1, 2, 3, 4 and Out lots A & B – located in part of Tax Lot 2 in the NW ¼ & SW ¼ of Section 4-T15N-R10E of the 6<sup>th</sup> P.M. in Douglas County, Nebraska. Council member Ueckert seconded. Stanzel, Ueckert, Lewis and Grove voted YES. NO: No one. Motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Council member Stanzel introduced Ordinance No. 743 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 TA TRANSITIONAL AGRICULTURE TO C-3 HIGHWAY COMMERCIAL, and moved that the statutory rule requiring reading on three different days be suspended. Council member Lewis seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: Stanzel, Lewis, Grove, Ueckert. The following voted NO: No one. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said Ordinance was then read by title and thereafter council member Lewis moved for final passage of the ordinance, which motion was seconded by council member Stanzel. The Mayor then stated the question “Shall Ordinance No. 743 be passed and adopted.” Upon electronic vote, the following Council members voted YES: Lewis, Stanzel, Grove, Ueckert. The following voted NO: No one. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the assistant clerk attested the passage and approval of the same and affixed her signature thereto. A true, correct and complete copy of said ordinance is on file at city hall.

Andrea Griffin informed the council that the subdivision agreement for the L & J Subdivision had been signed by the developer and there were no issues remaining.

Council member Ueckert introduced, read and moved for passage of Resolution No. 2020-38 authorizing Mayor Smith to execute L & J Subdivision Agreement on half of the City of Valley. Grove seconded. Ueckert, Grove, Lewis and Stanzel voted YES. NO: No one. Motion carried. A true, correct and complete of said resolution is on file at city hall.

Due to COVID-19, the League Annual Conference and Annual Business Meeting (Election of Officers and Directors to the League Executive Board) will need to be held by telephone conferencing, videoconferencing or similar technological means. In order to accomplish this, it is necessary for the League’s “regular members” to vote to approve amendments to the League “Articles of Incorporation” and “Bylaws”.

Council member Stanzel moved to approve the Proposed Amendments to the League "Articles of Incorporation" and "Bylaws" and the "Regular Member Ballot". Ueckert seconded. Stanzel, Ueckert, Lewis and Grove voted YES. NO: No one, motion carried.

Flat Water Phase 2 Utilities – Greg Perry reported that the project is approximately 82% complete and recommended approval of the progress pay request.

Council member Grove introduced, read and moved for passage of Resolution 2020-39 to approve to developer payment of Vrba Construction pay application #3 for \$265,976.63 and Olmsted & Perry \$36,280.91. Stanzel seconded. Grove, Stanzel, Lewis and Ueckert voted YES. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Flat Water Phase 2 Paving – Greg Perry explained the need for the change order was to facilitate hauling and placement of concrete to the site and the developer has approved and signed. Mr. Perry also recommended approval of the progress pay request.

Council member Grove moved to approve Change Order No. 1 in the amount of \$23,508.00 (increase). Stanzel seconded. Grove, Stanzel, Lewis and Ueckert voted YES. NO; no one, motion carried.

Council member Stanzel introduced, read and moved for passage of Resolution 2020-40 to approve to developer payment of Steve Harris Construction pay application #1 for \$258,892.37. Grove seconded. Stanzel, Grove, Lewis and Ueckert voted YES. NO; no one, motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Greg Perry noted that the MOBA (Metro Omaha Builders Association) Street of Dreams will feature home(s) in this development next summer in conjunction with the Valley Days Celebration.

Country Aire 2 Paving – Greg Perry explained the change order for this project was to adjust final quantities used for final testing procedures. He also reported that the project has been completed and is ready for acceptance and close out.

Council member Grove moved to approve Change Order No. 2 a deduction of \$7,169.68. Stanzel seconded. Grove, Stanzel and Ueckert voted YES. NO; Lewis, motion carried.

Council member Grove introduced, read and moved for passage of Resolution 2020-41 to approve to SID 604 payment of Steve Harris Construction pay application #2 (final) \$129,783.98. Stanzel seconded. Grove, Stanzel and Ueckert voted YES. NO; Lewis, motion carried.

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

Valmont Lift Station – Jim Olmsted reviewed the progress of general contractor (Neuvirth), pumps (Smith and Loveless) and electrician (West-E-Con). Council member Ueckert stated that Valmont has several projects going on at this time and asked that they (Valmont) be updated and informed of the work schedule and delivery of materials to be stored for this project.

Water Treatment Plant Expansion – Jim Olmsted stated that the next step to move the project forward would be to conduct geotechnical testing.

Council member Stanzel moved to authorize the city engineer to proceed with preliminary work for the Water Treatment Plant Expansion. Grove seconded. Stanzel, Grove, Lewis and Ueckert voted YES; NO; no one, motion carried.

Quasar Drive -In Theatre – Greg Perry stated that the force main connection fees have been paid to the City and the hook-up completed. A late fall start-up is anticipated.

Street Reconstruction Project – Council member Grove moved to authorize the city engineer to begin preliminary work on the Street Reconstruction Project. Lewis seconded. Grove, Lewis, Stanzel and Ueckert voted YES. NO; no one, motion carried.

Sanitary Sewer Repair Project – Council member Stanzel moved to authorize advertisement for bids for the Sanitary Sewer Repair Project. Grove seconded. Stanzel, Grove, Lewis and Ueckert voted YES. NO; no one, motion carried.

FEMA Updates – The projects remaining are considered “large projects” and consequently take longer to process and approve.

City Attorney – Ordinance No.739 to allow and permit chickens within the corporate city limits. Andrea Griffin reviewed the additional items incorporated into the ordinance since the last discussion. She noted that the permit may be administratively revoked for violation of the rules and that chickens will not be permitted on any multi-family lot.

Discussion was held on the following issues: CDC facts relating to diseases linked to backyard chickens, who is going to administer the permitting process and enforce the rules and the age when a baby “chick” becomes a chicken. The council directed the city attorney to continue to work on the ordinance and research these issues.

Scott Hill, 601 W. Valley Street, addressed the council about the slope, grading, drainage, damaged plastic pipe and temporary fencing adjacent to his property. Greg Perry stated that the developer is going to have the contractor, Vrba Construction, and Commercial Seeding make the needed repairs.

The meeting was adjourned at 8:05 p.m.



Mayor Carroll L. Smith



Assistant Clerk, Cheryl K. Eckerman