

**AGENDA
VALLEY CITY COUNCIL**

Tuesday, September 20, 2022

City Hall

203 North Spruce

Valley, NE 68064

Immediately following the Budget & Tax Request Hearing

1. **ROLL CALL**
2. **CALL TO ORDER**
3. **PLEDGE OF ALLEGIANCE**
4. **VISITORS & CORRESPONDENCE**
5. **PROOF OF PUBLICATION**
6. **APPROVAL OF AGENDA**
7. **COUNCIL CONSIDERATION/ ACTION TO INCREASE THE TOTAL RESTRICTED FUNDS AUTHORITY BY AN ADDITIONAL 1%.**
8. **ORDINANCE NO. 782- ADOPT BUDGET STATEMENT/ ANNUAL APPROPRIATION BILL**
9. **RESOLUTION 2022-48- SETTING TAX REQUEST**
10. **APPROVE PAYMENT OF END OF FISCAL YEAR BILLS**
11. **DISCUSSION/CLARIFICATION OF COMMUNITY BETTERMENT PROJECTS - KENO FUND**
12. **RESOLUTION 2022-49 - BKM LAND COMPANY, LLC - DISBURSEMENT AUTHORIZATION TO WEST-E-CON FOR WEST STREET LIFT STATION ELECTRICAL**
13. **CITY ATTORNEY - Report on pending litigation.**
14. **MAYOR'S REPORT**
15. **UPCOMING ITEMS**
 - September 27 - Board of Adjustment 4:30 p.m.
 - October 11 - Regular Council 7:00 p.m.

The City Council reserves the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the City Council to take up the items on the agenda in sequential order. However, the City Council reserves the right to take up matters in a different order to accommodate the schedules of the City Council members, persons having items on the agenda, and the public.

Douglas County

Post-Gazette

P.O. Box 677
Elkhorn, NE 68022
402-289-2329

INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	210602	DUE DATE	10/14/2022
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THE STATE OF NEBRASKA } Darren P. Ivy, being duly sworn,
COUNTY OF DOUGLAS } says that he is the publisher of

DOUGLAS COUNTY POST-GAZETTE

News of Douglas County,

a legal newspaper which is published and is in general circulation in Douglas County, Nebraska, and is printed in the English Language weekly at its office in Elkhorn, Nebraska; that said newspaper has been so published for more than fifty-two successive weeks prior to the publication of the annexed notice, and has a bona fide circulation of more than three hundred copies each issue. That to affiant's personal knowledge, the annexed notice was published in said newspaper:

BILL TO
City of Valley P.O. Box 682 Valley, NE 68064

1	Successive Week(s)
Beginning with the issue of:	9/14/2022
and ending with the issue of:	9/14/2022
Publisher's fee at Legal Rate is:	\$377.00

Darren P. Ivy

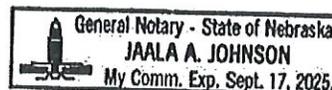
Darren P. Ivy, Publisher

Summary Information	Weekly Cost
4x6.5 Post-Gazette B&W - Notice of Budget Hearing and Summary and Hearing to Set Final Tax Request	377.00

Subscribed and sworn before me, this 14th day
of

September, 2022

Jaala Johnson
Notary Public



Douglas County

Post-Gazette

P.O. Box 677
Elkhorn, NE 68022
402-289-2329

INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	210600	DUE DATE	10/14/2022
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THE STATE OF NEBRASKA } Darren P. Ivy, being duly sworn,
COUNTY OF DOUGLAS } says that he is the publisher of

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a legal newspaper which is published and is in general circulation in Douglas County, Nebraska, and is printed in the English Language weekly at its office in Elkhorn, Nebraska; that said newspaper has been so published for more than fifty-two successive weeks prior to the publication of the annexed notice, and has a bona fide circulation of more than three hundred copies each issue. That to affiant's personal knowledge, the annexed notice was published in said newspaper:

BILL TO
City of Valley P.O. Box 682 Valley, NE 68064

NOTICE OF MEETING
CITY OF VALLEY
TUESDAY, SEPTEMBER 13, 2022
7:00 P.M.
VALLEY CITY HALL
203 N. SPRUCE STREET, VALLEY,
NE

Notice is hereby given that a meeting of the City Council of the City of Valley, Nebraska will be held on Tuesday, September 20, 2022 immediately following the Budget and Tax Request Hearings at Valley City Hall located at 203 N. Spruce Street in Valley, Nebraska, which will begin at 7:00 p.m. and continue until all attendee(s) testimony has concluded, which meeting is open to the public.

An agenda kept continuously current shall be available for public inspection at Valley City Hall (203 N. Spruce Street).

Cheryl K. Eckerman
City Clerk/Treasurer

Sept. 14 - 27 Ins
ZNEZ

1	Successive Week(s)
Beginning with the issue of:	9/14/2022
and ending with the issue of:	9/14/2022
Publisher's fee at Legal Rate is:	\$11.36

Darren P. Ivy

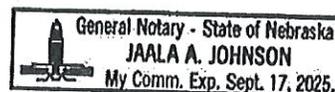
Darren P. Ivy, Publisher

Summary Information	Weekly Cost
Notice of Sept. 20 City Council Meeting - Sept. 14	11.36

Subscribed and sworn before me, this 14th day
of

September, 20 22

Jaala Johnson
Notary Public



City of Valley
IN
Douglas County, Nebraska

NOTICE OF BUDGET HEARING AND BUDGET SUMMARY

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 20th day of September 2022, at 7:00 o'clock P.M., at City Hall for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget. The budget detail is available at the office of the Clerk during regular business hours.

2020-2021 Actual Disbursements & Transfers	\$ 14,192,014.00
2021-2022 Actual/Estimated Disbursements & Transfers	<u>\$ 11,304,645.00</u>
2022-2023 Proposed Budget of Disbursements & Transfers	<u>\$ 23,774,067.00</u>
2022-2023 Necessary Cash Reserve	<u>\$ 5,616,900.00</u>
2022-2023 Total Resources Available	<u>\$ 29,390,967.00</u>
Total 2022-2023 Personal & Real Property Tax Requirement	<u>\$ 1,767,912.08</u>
Unused Budget Authority Created For Next Year	<u>\$ 319,374.52</u>

Breakdown of Property Tax:

Personal and Real Property Tax Required for Non-Bond Purposes	<u>\$ 1,387,877.08</u>
Personal and Real Property Tax Required for Bonds	<u>\$ 380,035.00</u>

NOTICE OF SPECIAL HEARING TO SET FINAL TAX REQUEST

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1632, that the governing body will meet on the 20th day of September 2022 immediately following the budget hearing, at City Hall for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request.

	2021	2022	Change
Operating Budget	<u>24,883,728.00</u>	<u>23,774,067.00</u>	-4.46%
Property Tax Request	<u>\$ 1,638,688.00</u>	<u>\$ 1,767,912.08</u>	7.89%
Valuation	<u>517,477,485</u>	<u>545,111,770</u>	5.34%
Tax Rate	<u>0.316668</u>	<u>0.324321</u>	2.42%
Tax Rate if Prior Tax Request was at Current Valuation	<u>0.300615</u>		

ORDINANCE NO. 782

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.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA:

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2022 through September 30, 2023. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Valley, Nebraska. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Douglas County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS 20th DAY OF SEPTEMBER, 2022.

CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA

Mayor, Cindy Grove

ATTEST:

Clerk, Cheryl K. Eckerman

RESOLUTION NO. 2022 - 48

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the City Valley passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

NOW, THEREFORE, the Governing Body of the City of Valley, resolves that:

1. The 2022-2023 property tax request be set as follows:

<u>Fund</u>	<u>Request</u>	<u>Levy</u>
General Fund	\$ 1,387,877	\$.254604
Bond Fund	<u>380,035</u>	<u>.069717</u>
Total	\$ 1,767,912	\$.324321

2. The total assessed value of property differs from last year's total assessed value by 5.34%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.300615 per \$100 of assessed value.
4. The Governing Body of the City of Valley proposed to adopt a property tax request that will cause its tax rate to be \$.324321 per \$100 of assessed value
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Valley will exceed last year's total operating budget by (-4.46%).
6. A copy of this resolution be certified and forwarded to the Douglas County Clerk on or before October 15, 2022.

PASSED AND APPROVED THIS 20th DAY OF SEPTEMBER, 2022.

CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA

Mayor Cindy Grove

Council President Mike Stanzel

Council Member Bryon Ueckert

Council Member Linda Lewis

Council Member Chris TenEyck

ATTEST:

Cheryl K. Eckerman, Clerk

<u>Due Date</u>	<u>Invoice</u>	<u>Lookup</u>	<u>Vendor</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Balance</u>	<u>Amount</u>
9/21/2022	1FLX-6NDC-DFX6	127	Amazon Business	ID Card Printer & Supplies	9/21/2022	1,279.99	1,279.99
9/14/2022	2037001262	212	Baker & Taylor	Library Books	9/21/2022	56.99	56.99
9/21/2022	5.6697E+11	212	Baker & Taylor	Library Books	9/21/2022	284.84	284.84
9/14/2022	880092117	207	Bauer Built	Tire Repair	9/21/2022	314.50	314.50
9/21/2022		221	Bluewater Development	TIF Payment #51	9/21/2022	140,176.06	140,176.06
9/21/2022	13496	328	Carl Jarl Locksmiths	Keys/Locks Baseball Field	9/21/2022	233.25	233.25
9/21/2022	1622	276	Eagle Engineering Group LLC	Ginger Cove Lift Station Upgrades	9/21/2022	8,796.26	8,796.26
9/21/2022	2-54353	1014	Jones Automotive	Unit #51 Install E-Citation Equip	9/21/2022	3,070.23	3,070.23
9/21/2022	2-54355	1014	Jones Automotive	Unit 52 Install E-Citation Equip	9/21/2022	3,070.23	3,070.23
9/21/2022	2-51225	1014	Jones Automotive	Unit 53 Install E-Citation Equip	9/21/2022	3,070.23	3,070.23
9/21/2022	2-51224	1014	Jones Automotive	#54 Install E-Citation Equip	9/21/2022	3,070.23	3,070.23
9/21/2022	2-51226	1014	Jones Automotive	Unit #55 Install E-Citation Equipment	9/21/2022	1,217.91	1,217.91
9/21/2022	6004907280	1234	Love's Travel Stops & Country Store	Fuel	9/21/2022	610.76	610.76
9/21/2022	6004912154	1234	Love's Travel Stops & Country Store	Fuel	9/21/2022	119.28	119.28
9/21/2022		429	Mallard Landing	TIF Payment #114	9/21/2022	55,138.63	55,138.63
9/21/2022	01-21-69	1505	Olmstd & Perry Consulting Engineers Inc.	Mallard Landing ST Repairs	9/21/2022	3,348.60	3,348.60
9/21/2022	16-19060	1505	Olmstd & Perry Consulting Engineers Inc.	Flat Water Ph 2 Water/Sanitary Sewer	9/21/2022	2,378.36	2,378.36
9/21/2022	04-21-33	1505	Olmstd & Perry Consulting Engineers Inc.	Country Aire Pumping Station Upgrades	9/21/2022	8,820.00	8,820.00
9/21/2022	01-22-51	1505	Olmstd & Perry Consulting Engineers Inc.	West ST Water Main Replacement	9/21/2022	4,936.20	4,936.20
9/21/2022	03-21-42	1505	Olmstd & Perry Consulting Engineers Inc.	West ST Pumping Station Equipment	9/21/2022	5,523.07	5,523.07
9/21/2022	37033	200	Rob's Oil Company Inc	721 Gallons Diesel- Dyed	9/21/2022	3,027.48	3,027.48
9/21/2022	1084	2240	VRBA Construction	40 Ginger Cove RD- Life Repair	9/21/2022	5,700.00	5,700.00
9/21/2022	1103	2240	VRBA Construction	7512 285th Circle Work	9/21/2022	2,515.00	2,515.00
9/21/2022	896	320	West-E-Con	Electrical for Country Aire Lift	9/21/2022	17,566.00	17,566.00
9/21/2022	19453	2	Wiese Plumbing & Excavating Inc	5711 294th ST Blue Water Work	9/21/2022	717.00	717.00
						275,041.10	275,041.10

RESOLUTION NO. 2022 – 49

WHEREAS, on or about June 22, 2021, **BKM Land Company, LLC.**, a Nebraska limited liability company and the **City of Valley, Nebraska** entered into an Irrevocable Letter of Credit Agreement wherein BKM Land Company, LLC and the City agree certain funds for Falcon Business Park be secured by an escrow account obtained by the subdivider for distribution in accordance with the terms of this Agreement.

WHEREAS, the Agreement provides Pinnacle Bank shall disburse the funds, or such portion thereof authorized by Resolution shall be disbursed as follows:

WHEREAS, the sum of Twenty-nine thousand five-hundred sixty-six dollars & 00/100 (\$29,566.00) is due to West-E-Con pursuant to Invoice No. 897 dated 09/07/22, as submitted by Olmsted & Perry Consulting Engineers, engineers for the City of Valley; and

WHEREAS the City Engineer and the City Clerk have submitted a request to the City Council to authorize distribution of the above-described amount; said request is supported by invoice and backup documentation.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Valley, Nebraska:

1. Pinnacle Bank is hereby authorized and directed to disburse to West-E-Con the sum of Twenty-nine thousand five-hundred sixty-six dollars & 00/100 (\$29,566.00) is due to West-E-Con pursuant to Invoice No. 897 dated 09/07/22 for the Electrical for West Street Lift Station in Falcon Business Park.

PASSED AND APPROVED THIS 20th DAY OF SEPTEMBER, 2022

CITY OF VALLEY,
DOUGLAS COUNTY, NEBRASKA

Cindy Grove, Mayor

Mike Stanzel, Council President

Bryon Ueckert, Council Member

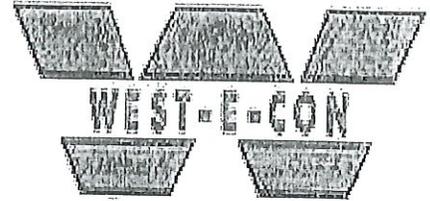
Linda Lewis, Council Member

Chris TenEyck, Council Member

ATTEST:

Cheryl Eckerman, City Clerk

Invoice



PO Box 637
Valley, NE 68064

Bill To
City of Valley PO Box 682 Valley, Ne 68064

Due Date
09/07/22

Date	Invoice No.	P.O. Number	Terms	Project
09/07/22	897			

Item	Description	Quantity	Rate	Amount
Electrical	Electrical for West St. Lift Station 400A New electrical service including: Trenching and Backfill of primary duct, Transformer Pad, Conduit, Wire, Installation of pumps and winch, Connecting Telemetry System Not Included: Pumps, Winch, Concrete, Usemco, Controls, floats		29,566.00	29,566.00
			Subtotal	\$29,566.00

westecon78@gmail.com

(402)359-2127

fax(402)359-9105

Sales Tax	\$0.00
Total	\$29,566.00