

AGENDA
VALLEY CITY COUNCIL
Tuesday, October 11, 2022
City Hall
203 North Spruce
Valley, NE 68064
7:00 PM

1. **ROLL CALL**
2. **MEETING CALLED TO ORDER**
3. **PLEDGE OF ALLEGIANCE**
4. **PROOF OF PUBLICATION**
5. **VISITORS/CORRESPONDENCE**
6. **APPROVAL OF AGENDA**
7. **CONSENT AGENDA**

All agenda items indicated by an asterisk will comprise the consent agenda and will be acted on in a single motion. Consent agenda items are being forwarded to the Council Members. Any individual item may be removed by a council member for special discussion and consideration.

7.A. ACCEPT COUNCIL MINUTES

7.B. ACCEPT TREASURER'S REPORT

7.C. APPROVE MANUAL CHECKS

7.D. APPROVE BILLS & ADDITIONAL BILLS PRESENTED FOR PAYMENT

A Complete listing of claims processed through noon on Monday October 10, 2022 is on file in the office of the City Clerk.

7.E. SEPTEMBER PAYROLL - \$77,649.64 IRA \$1,793.35

7.F. SEPTEMBER KENO RECEIPTS - \$7,921.55

7.G. ACCEPT PEOPLESERVICE, INC., REPORT

7.H. ACCEPT September 20, 2022 Planning Commission minutes

7.I. ACCEPT October 3, 2022 Tree Board Minutes

7.J. ACCEPT September 27, 2022 Board of Adjustment minutes

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.

- 7.K. ACCEPT September Library Statistics
- 7.L. ACCEPT resignation of Joe Lathrop from Planning Board
- 7.M. ACCEPT resignation of Judy Argintean from Tree Board
8. **JEFF RENSCH, DIRECTOR OF BOARD - GINGER COVE - 20 mph Speed Limit signs request**
9. **JERRY RINNE - TWIN RIVERS YMCA - TRUNK & TREAT EVENT - OCTOBER 27, 2022 FROM 5:30 TO 7:30 P.M.**
- Request approval to use the Valley City Park
10. **MIKE WIEKHORST - TREE BOARD CHAIRMAN - Arborist License requirements**
11. **CHIEF JAMES DEEMER - POLICE DEPARTMENT WAGES**
12. **DESIGNATE FIRST NEBRASKA BANK AS OFFICIAL DEPOSITORY**
- Annual action to meet statutory requirements
13. **ONE AND SIX YEAR STREET PLAN**
- Review
 - Open Public Hearing
 - Close Public Hearing
14. **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS 2022**
- Resolution 2022-50
15. **VALLEY PARK MASTER PLAN - AGREEMENT FOR PROFESSIONAL SERVICES WITH JEO CONSULTING GROUP, INC.**
- Review
 - Resolution 2022-51
16. **FINAL PLAT - BLUEWATER REPLAT 16**
- Review
 - Open Public Hearing
 - Close Public Hearing
 - Resolution 2022-52

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17. **RESOLUTION 2022- 53 - FLATWATER LAKE REIMBURSEMENT - PHASE 2
WATER/SANITARY SEWER**
18. **RESOLUTION 2022-54- BKM LAND COMPANY REIMBURSEMENT - WEST STREET
PUMPING STATION**
19. **STILL WATER LAKE - FINAL PLAT**
 - Review
 - Open Public Hearing
 - Close Public Hearing
 - Resolution 2022-55
20. **STILL WATER LAKE - SUBDIVISION AGREEMENT**
 - Review
 - Resolution 2022-56
21. **ORDINANCE NO. 778- STILL WATER LAKE - ZONING**
22. **CONDITIONAL USE PERMIT - LOT 8 FALCON BUSINESS PARK - PROPANE SALES AT ACE
HARDWARE RETAIL OUTLET.**
 - Review
 - Open Public Hearing
 - Close Public Hearing
 - Resolution 2022-57
23. **CITY ENGINEER**
 - 23.A. **CONDRON STREET PAVING IMPROVEMENTS**

Council consideration and action to approve Change Order No. 1 for an extension
in contract time
 - 23.B. **OTHER / MISCELLANEOUS**
 - West Street Pumping Station Equipment - OPPD/Startup October 19
 - Condron Street Paving Improvements - Start October 11
 - Ginger Cove Lift Station No. 3 Upgrades
 - Lift Station Equipment Replacement Project
 - Still Water Development - Phase I - Authorization to advertise for bids

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.

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- 3M Plant Expansion
- Water Treatment Plant Expansion

24. CITY ATTORNEY

25. MAYOR'S REPORT

26. UPCOMING ITEMS

- Planning Commission - October 18 - 4:30 p.m.
- Trunk & Treat - October 27 - 5:30 to 7:30 p.m.

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Douglas County

Post-Gazette

P.O. Box 677

Elkhorn, NE 68022

402-289-2329



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

**NOTICE OF MEETING
CITY OF VALLEY
TUESDAY, OCTOBER 11, 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, October 11, 2022 at 7:00 p.m. at Valley City Hall.

Public Hearings will be held on the following:

1. Final Plat – Still Water Lake – Lots 1 through 23 inclusive & Outlots A & B, being a platting of part of the southwest quarter of Section 30, Township 16 North, Range 10 East, of the 6th P.M. in Douglas County, Nebraska.
2. Conditional Use Permit – Lot 8 Falcon Business Park (7304 N. West Street) – Propane Sales at Ace Hardware Retail Outlet.
3. Final Plat – Bluewater Replat 16 – Lots 1 and 2, being a replatting of Lots 1, Bluewater Replat 12, as surveyed, platted and recorded in Douglas County, Nebraska.
4. One and Six Year Street Plan for the City of Valley, Nebraska

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

Cheryl K. Eckerman, City Clerk

Sept. 28 - 45 Ins
ZNEZ

INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	210834	DUE DATE	10/28/2022
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THE STATE OF NEBRASKA }
COUNTY OF DOUGLAS } Darren P. Ivy, being duly sworn,
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:

1	Successive Week(s)
Beginning with the issue of:	9/28/2022
and ending with the issue of:	9/28/2022
Publisher's fee at Legal Rate is:	\$18.94

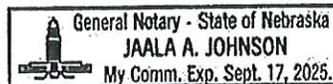
Darren P. Ivy, Publisher

Summary Information	Weekly Cost
Notice of Oct. 11 City Council Meeting & Public Hearings - Sept. 28	18.94

Subscribed and sworn before me, this 28th day
of

September, 2022

Notary Public



MINUTES
REGULAR MEETING
September 13, 2022

1. & 2. Roll Call & Call to Order - Mayor Grove called the meeting to order at 7:00 p.m. Present were mayor Grove; council members, Lewis, TenEyck and Ueckert. Council member Stanzel was absent. Also present were city attorney Jeff Farnham, Jeremy Marshall, city administrator and city clerk Cheryl Eckerman.

Mayor Grove 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.

3. Pledge of Allegiance –The Pledge of Allegiance was recited.

4. Proof of Publication was on the council desk.

5. Visitors and Correspondence –None.

6. Agenda Approval – Council member Lewis moved to approve the agenda. TenEyck seconded. Lewis, TenEyck and Ueckert voted YES. ABSENT: Stanzel. NO; no one, motion carried.

7. Consent Agenda – Council member Lewis moved to approve the consent agenda. TenEyck seconded. Lewis, TenEyck and Ueckert voted YES. ABSENT: Stanzel. NO; no one, motion carried. Items on the consent agenda were to accept August 9, 16, 23 & 30, 2022 city council minutes; Treasurer's Report; August payroll \$75161.73 IRA \$1883.41, Keno Receipts \$6151.65, PeopleService Report, Library Statistics, Cemetery Board minutes from September 8, 2022, August 16, 2022 Planning Commission minutes, Re-appointment of Jim Musson to the Library Board, SDL's to Valley Veteran's Club for January 21, February 18, March 18, April 15, May 20, June 17, 2023; manual checks and the following bills: **Supplies:** Accufund 781.25; Ace Hardware 15.54; Ace Outdoor Parts 107.52; Amazon 163.79; Amazon Business 64.03; American Underground Supply 566.07; Baker & Taylor 1015.20; Bauer Built 632; Bizco Tech 2239.08; Bomgaars 377.52; Cappel Auto 325.22; Carl Jarl 283.85; Dick's 32.73; Dultmeier Sales 677.19; Eakes Office 403.09; Evoqua 19440; Fastenal 71.22; First Nebraska 2445.48; Helena 1272; Host Coffee 130.22; Kubota 30000; Love's 3340.42; Lowe's 1049.06; Menards-Elkhorn 157.58; Menards- Fremont 229.15; Midwest Tape 182.68; Petty Cash 62.46; PowerPlan 249.19; Regal Awards 82; Sirchie 237.50; Vierregger Electric 3580; Core & Main 13861.00 **Services:** Black Hill Energy 368.78; Brightly 5700; BW Consulting 1225; CK Parking 48250; Cox 1495.19; Datashield 45.00; Do. Co. Env. 1000.07; Do. Co. Gazette 429.64; Eagle Engineering 4749.15; Elite Insurance 50; EMC Insurance 1605; Everett's Auto 3032.78; Farnham & Griffin 11180.50; Five Nines 7426.74; Fremont Utilities 27457.80; Iowa Pump 61433.72; J.D.'s Car Wash 113.90; League of NE 19739; Lien 92; M.S. Wiekhorst 2550; M. Matzen 823.90; Midwest Alarm 1710; Nebraska Sweeping 2873.68; NLA 60; Olmstead 99239.04; OPPD 17262.30; PeopleService 29243.00;

PowerTech 2612.13; Publication Printing 723.45; TREKK 9602.50; Van-Wall 6600; VRBA 41508.50; Verizon Wireless 383.19; Waste Connections 230.04; West-E-Con 12204; YMCA 20282.74; NE CS 858.46; NYS CS 256.60; **Taxes:** Fed 20690; NE 2104.10; NE Sales tax 3223.96 **Bond Payments:** FNB/bond 5962.50; FSB/bond 5962.50; **Reimburse/Refund:** Art of a Craftman 1000; BCL Properties 150; Borner 150; Brown 150; Bently Construction 500; Distinct Homes 1000; Dreamscape 1000; G Lee 1000; Hansen 150; Johnson 150; Knerr 150; Lash 150; Majestic 1000; Maxim Enterprises 1000; Midwest Dwellings 2000; Miller 150; Schmitz 150; Storjohann 150; Rune 699.10; Walvoord 150; Zeisler 150 **TIF:** Bluewater 311768.39; Mallard 385227.68; Menards 103102.00 **Ins:** Lincoln National 1576.66; MWG 1219.04; BCBS 11073.67 UMB 575.

8. Amendment to August 9, 2022 City Council Minutes – The Mayor stated correspondence from Mary Tesar had been sent to the wrong email address and therefore did not get included in the list of people sending correspondence regarding the proposed RV Park in the August 9, 2022 city council minutes. Mrs. Tesar asked that the minutes be amended to include her name.

Council member Lewis made a motion that Mary Tesar's name be added as part of the record of the public hearing for the proposed RV Park at the August 9, 2022 city council meeting. Ueckert seconded. Lewis, Ueckert and TenEyck voted YES: NO; no one. ABSENT: Stanzel. Motion carried.

9. Class D Liquor License and Manager Application – Valley Petroleum – Sean Kelley, Kelley Plucker, LLC, on behalf of the applicant, Valley Petroleum, reviewed the application to operate a convenient store and gas station at 310 E. Reichmuth Road. (former Taylor/Shell station)

Mayor Grove opened the public hearing on the Class D Liquor License and Manager Application for Valley Petroleum, LLC. No public testimony was given.

Mayor Grove closed the public hearing.

Council member Ueckert moved to approve the Class D. Liquor License (Valley Petroleum, LLC) and Manager Application (Anne F. Gordon). Lewis seconded. Ueckert, Lewis and TenEyck voted YES: NO: no one. ABSENT: Stanzel. Motion carried.

10. Knox Box Implementation – Terry Luthy, Fire Chief Valley Fire Department, outlined the fire department's request regarding the implementation of an ordinance to require new commercial and multifamily residential structures to have a Knox Box installed before being allowed to obtain an occupancy permit.

The Knox Box system is a key security system that would allow the fire department members immediate access into buildings and minimize possible damages to property and injuries to department members.

Mr. Luthy provided an overview of how the Knox Box security system works and provided copies of some sample ordinances from other municipalities.

After discussion on the subject, the council directed the city attorney to prepare an ordinance for consideration at the next meeting.

11. DC West School Homecoming Activities – September 23, 2022 – Mr. Jim Kott, High School Principal, was present at the meeting to answer any questions regarding the Homecoming activities.

Council member Ueckert made a motion to approve the parade route and fireworks display at the conclusion of the homecoming game on September 23, 2022. Lewis seconded. Ueckert, Lewis and TenEyck voted YES: NO: no one. ABSENT: Stanzel. Motion carried.

12. DC West Youth Sports Organization Request for Funds – This item was withdrawn by the applicant.

13 Sharon Janovsky – Water Treatment Plant Expansion- Placement of new building and progress of project – Shane Heim, 305 E. Condron Street, representing the property owners of the condos on E. Condron Street, asked for clarification on the placement of the new building and progress of the project. Mike Adair and Jim Olmsted presented a drawing showing the addition in a location which would preserve and minimally impact the arboretum. It was noted that two trees which are not memorial trees will have to be removed and a portion of the existing sidewalk will have to be taken out during construction but will be replaced upon completion of the project.

14. Final Plat Still Water Lake Lots 1 through 23 – The city attorney stated that this item would be moved to the October 11, 2022 agenda.

15. Ace Hardware Conditional Use Permit – It was noted that the Planning Commission reviewed this request at their August 16, 2022 meeting and recommended issuance.

Mayor Grove opened the public hearing on the conditional use permit for Ace Hardware for outdoor storage at 7304 N. West Street. No public testimony was given.

Mayor Grove closed the public hearing.

Council member TenEyck introduced, read and moved for passage of Resolution No. 2022-45 authorizing the issuance of a conditional use permit to Stephen LeGrand to allow for outdoor storage at the Ace Hardware store to be located at 7304 N. West Street. Lewis seconded. TenEyck, Lewis and Ueckert voted YES: NO: no one. ABSENT: Stanzel. A true, correct and complete copy of said resolution is on file at city hall.

16. Resolution No. 2022-46 – Pre-Development Agreement with Still Water Lake, LLC - The city attorney explained the components and purpose of the predevelopment cost agreement. He noted that the council approved the preliminary plat at the July 12, 2022 meeting and this agreement would address and allow for Engineering Design Fees, Legal Fees and City Review Costs to be paid by the developer and held in escrow as security to guarantee performance and payments.

Council member TenEyck introduced Resolution No. 2022-46 authorizing the Pre-Development Agreement with Still Water Lake, LLC. The motion died for lack of a second.

The city attorney asked the developer to address the council to further explain the agreement.

Bob Hampton, developer, encouraged the council to vote favorably on the agreement to allow the development to progress and move forward.

The city attorney further stated that it is critical that the Public Infrastructure Improvements be designed by the city so that contracts can be negotiated and construction can start on the Public Infrastructure Improvements as soon as possible. Mr. Hampton has reviewed and agreed to all the provisions in the agreement.

Council member TenEyck introduced, read and moved for passage of Resolution No. 2022-46 authorizing Mayor Grove to execute the Pre-Development Cost Agreement with Still Water Lake, LLC on behalf of the City of Valley. Ueckert seconded. TenEyck and Ueckert voted YES: NO: Lewis. ABSENT: Stanzel. A true, correct and complete copy of said resolution is on file at city hall.

17. Resolution No. 2022-47 – Flat Water Phase 3 Water/Sanitary Sewer Improvements Reimbursement – Council member Lewis introduced, read and moved for approval of Resolution No. 2022-47 authorizing disbursement by the developer to reimburse the City of Valley the sum of \$66,131.91. TenEyck seconded. Lewis, TenEyck and Ueckert voted YES: NO: no one. ABSENT: Stanzel. A true, correct and complete copy of said resolution is on file at city hall.

18. Ordinance No. 780 – Split duties of City Clerk / Treasurer – Mayor Grove stated that this Ordinance and Ordinance No. 781 – Salaries were needed to accommodate the changes that was reviewed during budget sessions relating to splitting the duties of the City Clerk/Treasurer and establishing a separate position of Treasurer.

Council member Ueckert introduced Ordinance No. 780 entitled: AN ORDINANCE TO AMEND AN EXISTING SECTION OF THE CITY OF VALLEY MUNICIPAL CODE RELATING TO THE APPOINTED OFFICE OF CITY CLERK; TO AMEND AN EXISTING SECTION OF THE CITY OF VALLEY MUNICIPAL CODE RELATING TO THE APPOINTED OFFICE OF CITY TREASURER; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, PROVIDING FOR 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: - Ueckert, Lewis and TenEyck. NO: no one. ABSENT: Stanzel. 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 Lewis. The Mayor then stated the question "Shall Ordinance No. 780 be passed and adopted. Upon electronic vote, the following council members voted YES: Ueckert, Lewis and TenEyck. NO: no one. ABSENT: Stanzel. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor then declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the 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.

19. Ordinance No. 781 - Salaries – Council member Lewis introduced Ordinance No. 781 entitled: AN ORINANCE OF THE CITY OF VALLEY, DOUGLAS COUNTY NEBRASKA, RELATING TO THE SALARIES OF THE EMPLOYEES OF THE CITY OF VALLEY, PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, PROVIDING FOR 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 TenEyck seconded the motion to suspend the rules and upon electronic vote on the motion the following council members voted YES: - Lewis, TenEyck and Ueckert. NO: no one. ABSENT: Stanzel. 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 TenEyck. The Mayor then stated the question “Shall Ordinance No. 781 be passed and adopted. Upon electronic vote, the following council members voted YES: Lewis, TenEyck and Ueckert. NO: no one. ABSENT: Stanzel. The passage and adoption of said ordinance having been concurred in by a majority of all members of the council, the Mayor then declared the ordinance adopted and the Mayor in the presence of the council signed and approved the ordinance and the 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.

20. CITY ENGINEER

20. A. Ginger Cove Lift Station No. 3 Upgrades – Greg Perry reviewed the bids received for the Ginger Cove Lift Station No. 3 Upgrades Project and recommended award of the bid to Vrba Construction in the amount of \$61,505.00.

Council member Lewis moved to award the contract for the Ginger Cove Lift Station No. 3 Upgrades Project to Vrba Construction in the amount of \$61,505.00. Ueckert seconded. Lewis, Ueckert and TenEyck voted YES: NO: no one. ABSENT: Stanzel. Motion carried.

20. B. Other/Miscellaneous – Greg Perry gave updates on the following projects/subjects: West Street Pumping Station Equipment-OPPD, West Street Water Main Abandonment, Condron Street Paving Improvements – End of September, Lift Station Equipment Replacement Project, Still Water Development – Phase 1, 3M Plant Expansion and Jim Olmsted gave an update on the Water Treatment Plant – Loan Agreement.

21. City Attorney – Jeff Farnham stated that litigation has been received regarding the conditional use permit for the RV Park. He further stated that he is still in the process of analyzing the material and would prefer to discuss it at a future meeting. Other items his office is working on: Still Water Subdivision Agreement and future annexation, tax increment financing report, sewer and water extensions and Timber Shores out lots.

20. Mayor's Report – The Mayor reported on building inspector's certifications, alarm system and progress of new software implementation for building permits.

21. Upcoming Items – Planning Commission September 20 – 4:30 p.m., Budget Hearing/Special City Council September 20 – 7:00 p.m. and Board of Adjustment – September 27 – 4:30 p.m.

The meeting adjourned at 8:10 p.m.

A handwritten signature in cursive script, appearing to read "Cindy Grove", written over a horizontal line.

Mayor Cindy Grove

A handwritten signature in cursive script, appearing to read "Cheryl K. Eckerman", written over a horizontal line.

City Clerk Cheryl K. Eckerman

MINUTES
CITY OF VALLEY
BUDGET AND TAX REQUEST HEARINGS

September 20, 2022

Mayor Grove called the meeting to order at 7:00 p.m. Present were Mayor Cindy Grove; Council members, Linda Lewis, Chris TenEyck, Mike Stanzel and Bryon Ueckert, City Attorney Jeff Farnham, City Administrator Jeremy Marshall and City Clerk Cheryl Eckerman.

Council member Lewis led the Pledge of Allegiance.

Proof of Publication was on the council desk.

Mayor Grove stated the location of the open meetings act and that one copy of all reproducible written material is available for examination or copying.

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

Mayor Grove opened the **Budget Hearing** at 7:00 p.m. Three copies of the proposed budget statement were available to the public.

Kent Speicher made a presentation outlining the key provisions of the proposed budget statement, including, but not limited to, a comparison with the prior year's budget.

The floor was then opened for public comment on the proposed budget statement. No public comments were given.

Mayor Grove closed the Budget Hearing at 7:08 p.m.

Immediately following the Budget Hearing, Mayor Grove opened the **Tax Request Hearing**.

Kent Speicher made a presentation including an overview of the lid computation and calculation of levies and a comparison of the levies for the previous three years.

The floor was then opened for public comment on the proposed tax request. No public comments were given.

Mayor Grove closed the Tax Request Hearing at 7:10 p.m.

MINUTES
CITY OF VALLEY
SPECIAL MEETING
September 20, 2022

Immediately following the Budget and Tax Request Hearings, Mayor Grove called the special meeting to order. Present were Mayor Cindy Grove; Council members, Linda Lewis, Chris TenEyck, Mike Stanzel and Bryon Ueckert, City Attorney Jeff Farnham, City Administrator Jeremy Marshall and City Clerk Cheryl Eckerman.

Mayor Grove stated the location of the open meetings act and that one copy of all reproducible written material is available for examination or copying.

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

A motion was made by Council member Stanzel and seconded by Council member Lewis to increase the total restricted funds authority by an additional 1%. Stanzel, Lewis, TenEyck and Ueckert voted YES: NO: no one, motion carried.

Council member Lewis introduced Ordinance No. 782 entitled: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND 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: Lewis, Ueckert, Stanzel and TenEyck. 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. 782 be passed and adopted." Upon electronic vote the following council members voted YES: Lewis, Ueckert, Stanzel and TenEyck. 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 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 TenEyck introduced, read and moved for passage of Resolution No. 2022-48 setting the property tax request for the current year at a different amount than the property tax request for the prior year. Council member Ueckert seconded. TenEyck, Ueckert, Lewis and Stanzel voted YES. The following voted NO: no one. Motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Council member Stanzel moved to approve the following end of year claims: Amazon Business 1279.99; Baker & Taylor 341.83; Bauer Built 314.50; Bluewater Development 140176.06; Carl Jarl Locksmiths 233.25; Eagle Engineering 8796.26; Jones Automotive 13498.83; Love's 730.04; Mallard Landing 55138.63; Olmsted & Perry 25006.23; Rob's Oil 3027.48; Vrba Construction 8215.00; West-E-Con 17566.00; Wiese Plumbing 717.00; J. Marshall 88.50. Council member Lewis seconded. Stanzel, Lewis, TenEyck and Ueckert voted YES: NO: no one. Motion carried.

Council member Stanzel moved to allocate \$5,000 each to Valley Days, Valley BBQ and Valley Clean – Up Day from the amount included in the budget for Community Betterment Projects. Lewis seconded. Stanzel, Lewis, TenEyck and Ueckert voted YES: NO: no one. Motion carried.

Council member Ueckert introduced, read and moved for passage of Resolution No. 2022-49 authorizing and directing Pinnacle Bank to disburse \$29,566.00 to West-E-Con pursuant to Invoice No. 897 dated 09/07/2022 for the electrical for the West Street Pumping Station in Falcon Business Park (BKM Land Company, LLC). Stanzel seconded. Ueckert, Stanzel, Lewis and TenEyck voted YES: NO: no one. Motion carried. A true, correct and complete copy of said resolution is on file at city hall.

Mr. Farnham then advised the Council that on September 20, 2022 he had received a written communication from the attorney for Platte River Resort, LLC, that it would not be going forward with the RV Park. In light of the information presented by Mr. Farnham, Council member Stanzel made the following Motion and moved for its adoption:

WHEREAS, on August 9, 2022, the Valley City Council, via a Motion made by Council member Bryon Ueckert and seconded by Council member Mike Stanzel, approved by a 3-2 vote the Conditional Use Permit requested by Platte River Resort, LLC, subject to certain conditions, all as set forth on a copy of the Motion, attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, on September 20, 2022, the City received written notification from the attorney for Platte River Resort, LLC, that it would not be going forward with the RV Park since the property was no longer a strategic fit, and Mr. Brown, the principal of Platte River Resort, LLC, is pursuing other opportunities.

Now therefore, in light of the above,

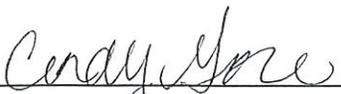
1. That the aforementioned August 9, 2022, Motion approving the Conditional Use Permit requested by Platte River Resort, LLC, as set forth on Exhibit "A", be and hereby is rescinded, of no further force and effect, and declared void.
2. That the aforementioned Conditional Use Permit, and all rights thereunder, be and hereby is rescinded, of no further force and effect, and declared void.

Council member Lewis seconded. Stanzel, Lewis, TenEyck and Ueckert voted YES: NO: no one. Motion carried.

Mayors Report – DC West Homecoming Friday September 23 – Parade at 12:45 and Fireworks following football game.

Upcoming Items – Board of Adjustment meeting September 27 at 4:30 p.m. and October 11 City Council at 7:00 p.m.

The meeting adjourned at 7:25 p.m.



Mayor Cindy Grove



City Clerk Cheryl Eckerman

City of Valley Pooled Cash Governmental Funds							
		Cash Balance 8/31/2022	Net Income or (Loss)	Fund 3 Withholdings	Interfund Transfers	Cash Balance 9/30/2022	Investments 9/30/2022
General - Fund 1	<u>Dept</u>						
		\$2,536,292.65	(\$534,475.64)			\$2,001,817.01	\$14,427.31
Pines Assessments		\$326,598.77	\$76.06			\$326,674.83	
Bond - Fund 2	021	\$941,929.09	\$27,310.73			\$969,239.82	
C D A	001	\$47,063.34	\$195,352.41			\$242,415.75	
		\$3,851,883.85	(\$311,736.44)			\$3,540,147.41	14,427.31
City of Valley Pooled Cash Proprietary Funds							
		Cash Balance 8/31/2022	Net Income or (Loss)	Fund 3 Withholdings	Interfund Transfers	Cash Balance 9/30/2022	Investments 9/30/2022
Funds 6 & 7							
Water - Fund 6	024	\$725,706.20	\$73,737.11			\$799,443.31	\$9,462.51
Cap. Facility Chg.	024	\$928,689.07	\$187.20			\$928,876.27	
Sewer - Fund 7	026	\$1,439,929.73	\$73,737.10			\$1,513,666.83	
Cap. Facility Chg.	026	\$679,022.31	\$187.20			\$679,209.51	
		\$3,773,347.31	\$147,848.61			\$3,921,195.92	\$9,462.51
	<u>Dept</u>	Cash Balance 8/31/2022	Net Income or (Loss)	Fund 3 Withholdings	Interfund Transfers	Cash Balance 9/30/2022	Investments 9/30/2022
Fund 4							
Nursing Home	050	\$683,631.32	\$159.20			\$683,790.52	
Fund 8							
Keno	056	\$140,825.08	\$7,955.51			\$148,780.59	
Fund 10							
Sales Tax	058	\$2,644,542.44	\$150,493.90			\$2,795,036.34	
ARPA							
		\$456,566.71	\$106.32			\$456,673.03	
		\$3,925,565.55	\$158,714.93			\$4,084,280.48	
Total All Funds		\$11,550,796.71	(\$5,172.90)			\$11,545,623.81	\$23,889.82

MANUAL CHECKS FOR September 2022	<u>CHECK #</u>	<u>AMOUNT</u>
NE Child Support Center	53172	429.23
NYS Child Support Processing	53173	128.30
Big Rig Truck Accessories	53285	12,990.90
NE Child Support Center	53286	429.23
NYS Child Support Processing	53287	128.23
TOTAL		14,105.89

<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>
10/12/2022	50601	1000	911 Custom	Bear Trap	9/13/2022	150.00	150.00
10/12/2022		211	A-1 Storage	28200 Ida ST	10/3/2022	1,000.00	1,000.00
10/12/2022	20222115	131	ACCUFUND	Set-up PR, AP	9/6/2022	843.75	843.75
10/12/2022	170694/9	121	Ace Hardware #339C	Nuts/Bolts/Screws	9/6/2022	12.32	12.32
10/12/2022	170736/9	121	Ace Hardware #339C	Consession Stand Keys	9/9/2022	7.77	7.77
10/12/2022	170616/9	121	Ace Hardware #339C	16 Keys	8/29/2022	39.04	39.04
10/12/2022	892759	105	AFLAC	September Premiums	9/12/2022	728.94	728.94
10/12/2022	3274882	150	AKRS Equipment	26RSC 62	9/26/2022	48.00	48.00
10/12/2022	3271230	150	AKRS Equipment	Gauge Wheel Kit/Arm/Filter	9/22/2022	216.47	216.47
10/12/2022	4.65686E+11	132	Amazon	Library Project Supplies	8/27/2022	287.56	287.56
10/12/2022	9.49645E+11	132	Amazon	Paper Towels Library	9/2/2022	16.21	16.21
10/12/2022	7.96556E+11	132	Amazon	Paper Towels- Library	9/2/2022	26.43	26.43
10/12/2022	4.54987E+11	132	Amazon	Curtain Rod- Library	9/3/2022	57.47	57.47
10/12/2022	9.75579E+11	132	Amazon	Flexra Hit- Library	9/5/2022	14.93	14.93
10/12/2022	6.79974E+11	132	Amazon	Toilet Paper- Library	9/7/2022	66.49	66.49
10/12/2022	38660	159	ARP'S	West ST & Church	9/16/2022	3,305.50	3,305.50
10/12/2022	38859	159	ARP'S	West ST & Church	9/29/2022	1,350.00	1,350.00
10/12/2022	38959	159	ARP'S	N West ST	10/4/2022	1,435.00	1,435.00
10/12/2022		146	Art of a Craftman	28640 Jessie Cir Lot 94	10/3/2022	750.00	750.00
10/12/2022	2036979586	212	Baker & Taylor	Library Books	8/30/2022	24.17	24.17
10/12/2022	880092320	207	Bauer Built	Tire Repair	9/16/2022	31.50	31.50
10/12/2022		11145	Black Hills Energy	8/24-9/23 Service	9/26/2022	328.92	328.92
10/12/2022	16790580	242	Bomgaars	Hole Saw/Coupler/Mandrell	9/30/2022	57.16	57.16
10/12/2022	154806	308	Cappel Auto Supply- Valley	Flat (W2, 570)	9/6/2022	4.31	4.31
10/12/2022	154910	308	Cappel Auto Supply- Valley	Gold Air Filter	9/12/2022	93.98	93.98
10/12/2022	155282	308	Cappel Auto Supply- Valley	Blk Magic Tire	9/28/2022	9.08	9.08
10/12/2022	122332	308	Cappel Auto Supply- Valley	2.5 Def/Cott Pin	9/30/2022	38.16	38.16
10/12/2022	13699	328	Carl Jarl Locksmiths	Repair Latch Library	9/21/2022	95.00	95.00
10/12/2022		278	CenturyLink	Pool Phone Hold	9/2/2022	33.03	33.03
10/12/2022	2140	1000	City of Council Bluffs	Range Day	10/4/2022	150.00	150.00
10/12/2022		1000	Colson, Larry	209 W Church	10/3/2022	150.00	150.00
10/12/2022	174093	1000	Critter Control	Inspection- Bat Library	9/26/2022	329.00	329.00
10/12/2022	103800	11175	Datashield Corporation	Monthly Shred Services	9/22/2022	45.00	45.00
10/12/2022		3072001	Dean, James	7804 N 281st Ave	10/3/2022	150.00	150.00
10/12/2022		3012002	Denstad, Paul & Stephanie	8111 N 286th Ave	10/3/2022	150.00	150.00
10/12/2022	4475	v1	DiamondMaps	Yearly Subscription	9/29/2022	408.00	408.00
10/12/2022		464	Douglas County Environmental	September Electrical Permit Fees	10/5/2022	1,785.31	1,785.31
10/12/2022	48249	457	Douglas County Treasurer	Paint Striping for 2022	9/30/2022	17,978.39	17,978.39
10/12/2022		3212	Dunham, David D	Mileage Reimburrment	9/30/2022	78.75	78.75
10/12/2022	1656	276	Eagle Engineering Group LLC	9/1-9/30 Services	10/6/2022	2,514.28	2,514.28
10/12/2022	8562712-2	11190	Eakes Office Solutions	Typewriter Ribbon	9/1/2022	7.99	7.99
10/12/2022	8573033-0	11190	Eakes Office Solutions	Paper	9/15/2022	48.99	48.99
10/12/2022	8573036-0	11190	Eakes Office Solutions	Clips/Post-Its/Paper/Folders	9/15/2022	115.78	115.78
10/12/2022	8574240-0	11190	Eakes Office Solutions	Add-Machine Roll	9/19/2022	10.79	10.79
10/12/2022	8576004-0	11190	Eakes Office Solutions	Bathroom Towels	9/23/2022	50.56	50.56

10/12/2022	8562712-1	11190	Eakes Office Solutions	4 USB Drives	8/31/2022	103.96	103.96
10/12/2022	8562712-0	11190	Eakes Office Solutions	Storage Boxes	8/30/2022	44.99	44.99
10/12/2022	38887	533	Everett's Auto Repair	'19 Ford Police Cruiser Service	9/29/2022	90.83	90.83
10/12/2022	38862	533	Everett's Auto Repair	'19 Ford Police Cruiser Tire Repair	9/7/2022	35.00	35.00
10/12/2022	38875	533	Everett's Auto Repair	'18 Dodge Police Cruiser Tire Repair	9/23/2022	32.00	32.00
10/12/2022	38861	533	Everett's Auto Repair	'19 Ford Police Cruiser Battery Install	9/2/2022	467.62	467.62
10/12/2022		610	Farnham & Griffin, P.C., L.L.O.	Legal Services 9/1/22-9/30/22	9/30/2022	6,522.50	6,522.50
10/12/2022		618	First Nebraska Bank	9/1-9/20 Credit Card Statement	10/3/2022	3,925.65	3,925.65
10/12/2022		620	First Nebraska Bank (Brainard)	NH Payment #99	9/30/2022	5,962.50	5,962.50
10/12/2022		617	First State Bank Nebraska	NH Payment #99	9/30/2022	5,962.50	5,962.50
10/12/2022		635	Fremont Department of Utilities	8/29-9/28 Service	10/4/2022	24,858.50	24,858.50
10/12/2022	38146201	2324	Fremont Winnelson	Plumbing Parts for Pool	9/21/2022	98.46	98.46
10/12/2022		11277	G Lee Homes	6415 N 295th ST Lot 103	10/3/2022	750.00	750.00
10/12/2022		2102510	Harpin, Eric	118 E Meigs	10/3/2022	113.90	113.90
10/12/2022	4105641	827	Host Coffee Service	Water Cooler	9/30/2022	28.89	28.89
10/12/2022	4101771	827	Host Coffee Service	Coffee Supplies	9/28/2022	97.10	97.10
10/12/2022	1.9249E+12	1000	Interstate All Battery Center	7.4V Battery	9/21/2022	301.35	301.35
10/12/2022	742144	1000	J.P. Cooke Co.	Notary Stamp	9/12/2022	36.95	36.95
10/12/2022		1088003	Kilker, Sokhom	116 W Hudspith	10/3/2022	150.00	150.00
10/12/2022		1019009	Landry, Chase	323 W Gardiner	10/3/2022	150.00	150.00
10/12/2022		1000	Lang Enterprises	5906 N 294th Cir	10/3/2022	1,000.00	1,000.00
10/12/2022	328354	1000	Leads Online	Leads Online Power Plus	7/15/2022	1,954.00	1,954.00
10/12/2022		1222	Lincoln National Life Insurance Company	October Coverage	9/10/2022	831.20	831.20
10/12/2022	6004974205	1234	Love's Travel Stops & Country Store	Cruiser Gas	9/26/2022	557.26	557.26
10/12/2022	6004940037	1234	Love's Travel Stops & Country Store	Cruiser Gas	9/19/2022	700.49	700.49
10/12/2022	6004976517	1234	Love's Travel Stops & Country Store	PW Gas	9/26/2022	415.97	415.97
10/12/2022	6005010295	1234	Love's Travel Stops & Country Store	Cruiser Gas	10/3/2022	714.30	714.30
10/12/2022		1240	Lowe's	White Paint/Paint Strainer/Roller Cover	9/8/2022	189.42	189.42
10/12/2022		1015005	Matula, Jordan	116 N West	10/3/2022	78.23	78.23
10/12/2022	55579	1363	Menards- Elkhorn	Rebar	9/7/2022	84.90	84.90
10/12/2022	56892	1363	Menards- Elkhorn	Shop Supplies	9/26/2022	135.22	135.22
10/12/2022	35429	1317	Menards- Fremont	Vent/Vinyl Tape/Phone Splice	9/21/2022	47.83	47.83
10/12/2022	35295	1317	Menards- Fremont	Calk/Rivets/2' Fittings	9/19/2022	125.37	125.37
10/12/2022	09/2222	1313	Michael Matzen	September Cleaning	9/1/2022	823.90	823.90
10/12/2022		1000	Nebraska Municipal Clerks Association	2022-2023 Membership Dues	10/4/2022	100.00	100.00
10/12/2022	2231	1457	Nebraska Sweeping Inc	122 Regular ST's/13 Wide	10/3/2022	2,873.68	2,873.68
10/12/2022		1000	NPAS Inc	Repair Data Master CDM	9/28/2022	1,126.08	1,126.08
10/12/2022	02-22-69	1505	Olmstd & Perry Consulting Engineers Inc.	Water TX Plant Expansion	10/3/2022	32,310.00	32,310.00
10/12/2022	02-22-67	1505	Olmstd & Perry Consulting Engineers Inc.	2022 Well Improvements	10/3/2022	62,400.00	62,400.00
10/12/2022	07-22-03	1505	Olmstd & Perry Consulting Engineers Inc.	General Engineering Services 8/31-9/30	10/3/2022	1,358.13	1,358.13
10/12/2022		1510	OPPD	8/8-9/8 Service	9/13/2022	16,472.98	16,472.98
10/12/2022		307	Oster Construction Inc	5512 N 290th Circle	10/3/2022	9,213.89	9,213.89
10/15/2022	41072	1617	PeopleService Inc	W/WW Service October	9/15/2022	32,197.00	32,197.00
10/12/2022	W67857	1645	PowerTech	Service Generator	10/21/2022	1,514.78	1,514.78
7/13/2022	Refund	193	Ramm Construction	Building Permit Deposit, 58 Gingerwoods	7/13/2022	1,000.00	1,000.00
10/12/2022		6014301	Reeves, Clint & Kristen	60 Ginger Woods	10/3/2022	150.00	150.00
10/12/2022		1096506	Schoening, Micaela	309 W Waring	10/3/2022	150.00	150.00
10/12/2022		2035005	Scott, Ashley	414 E Gardiner	10/3/2022	150.00	150.00
10/12/2022	22053	1000	Southeast Library System	Youth Services Retreat	7/21/2022	105.00	105.00

10/12/2022	7241-IN	1953	Sunset Law Enforcement	Horn 9mm/Horn 40	10/3/2022	1,040.40	1,040.40
10/12/2022		1000	Three Rivers Clerks Association	2022-2023 Membership Dues	10/5/2022	10.00	10.00
10/12/2022		6028901	Toole, Keith	104 Ginger Cove	10/3/2022	150.00	150.00
10/12/2022	22-001026	2027	TREKK Design Group LLC	E & N Side of Meigs ST	9/21/2022	1,150.00	1,150.00
10/12/2022	22-000411	2027	TREKK Design Group LLC	Flatwater Work	5/6/2022	2,030.00	2,030.00
10/12/2022	22-001064	2027	TREKK Design Group LLC	Hydro-Excavate Water Line & Stop Box	9/30/2022	670.00	670.00
10/12/2022	S1766933.001	2117	United Electric Supply Co	Light Bulbs for Police Garage	9/26/2022	155.13	155.13
10/12/2022	22-14955-OP	1000	United Seeds Inc	50# Super Turf Mixture	9/19/2022	1,675.00	1,675.00
10/12/2022	6411321T054	1653	Waste Connections of Nebraska Inc	10/1-10/31 Trash Services	10/1/2022	231.89	231.89
10/12/2022	19798	2	Wiese Plumbing & Excavating Inc	Replace Water Main Value Riser- 5923 295th	9/1/2022	1,470.00	1,470.00
10/12/2022	3608	2342	Window Pro	CH/Library Window Cleaning- October	10/3/2022	20.00	20.00
10/12/2022	3504	2342	Window Pro	CH/Library Window Cleaning- August	8/8/2022	20.00	20.00
10/12/2022	3427	2342	Window Pro	CH/Library Window Cleaning- July	7/11/2022	20.00	20.00
						262,198.78	262,198.78

Additional Bills for Council Approval		
10/11/2022		
Cox		\$1,485.05
Dick's Market		\$21.25
Five Nines		\$4,254.96
ACCUFUND		\$3,603.00
M.S. Wiekhorts Arbor		\$850.00
J.D.'s Car Wash		\$124.95
Eagle Engineering		\$38,355.00
JEO Consulting		\$3,480.00
Total		\$52,174.21

City of Valley

P/R Valley IRA Report for Check Date 9/09/2022

<u>Employee</u>	<u>Gross Earnings</u>	<u>IRA Red. Wages</u>	<u>IRA Red Amt</u>	<u>IRA Ded. Wages</u>	<u>IRA Ded Amt</u>	<u>IRA Emplr Wages</u>	<u>IRA Emplr Amt</u>
[1010] Van Den Boogaart, Jeroen T	4,866.63	4,866.63	438.00	0.00	0.00	4,866.63	146.00
[1021] Spinar, Stacy A	3,526.33	3,526.33	70.53	0.00	0.00	3,526.33	105.79
[1022] Eckerman, Cheryl	4,689.25	4,689.25	234.46	0.00	0.00	4,689.25	140.67
[1023] Breisch, Beth	1,552.72	1,552.72	46.58	0.00	0.00	1,552.72	46.58
[1024] Marshall, Jeremy M	6,961.58	6,961.58	348.08	0.00	0.00	6,961.58	208.84
[1030] Grove, Cynthia L	1,500.00	0.00	0.00	0.00	0.00	0.00	0.00
[1035] Ueckert, Bryon	1,050.00	0.00	0.00	0.00	0.00	0.00	0.00
[1036] Lewis, Linda L	1,050.00	0.00	0.00	0.00	0.00	0.00	0.00
[1037/1146002] Stanzel, Michael A	1,050.00	0.00	0.00	0.00	0.00	0.00	0.00
[1038] Teneyck, Christoffer L	990.00	0.00	0.00	0.00	0.00	0.00	0.00
[2020] Eggen, Doug	5,021.56	5,021.56	502.16	0.00	0.00	5,021.56	150.64
[2021] Sheets, Tim D	4,664.77	4,664.77	233.24	0.00	0.00	4,664.77	139.94
[2022] Musson, James	4,042.53	4,042.53	202.12	0.00	0.00	4,042.53	121.28
[2023] Ratigan, Patrick J	3,069.20	3,069.20	92.08	0.00	0.00	3,069.20	92.08
[2024] Kreager, Shane A	3,589.81	3,589.81	107.70	0.00	0.00	3,589.81	107.70
[3212] Dunham, David D	4,603.82	4,603.82	138.11	0.00	0.00	4,603.82	138.11
[3213] Coffey, Robert W	4,514.28	4,514.28	135.43	0.00	0.00	4,514.28	135.43
[3214] Deemer, James R	5,549.26	5,549.26	166.48	0.00	0.00	5,549.26	166.48
[3217] Hempel, Michael A	3,977.56	0.00	0.00	0.00	0.00	0.00	0.00
[3221] Bates, Adam T	456.60	0.00	0.00	0.00	0.00	0.00	0.00
[3224] Jones, Kristin M	3,488.06	0.00	0.00	0.00	0.00	0.00	0.00
[3225] Clark, Caleb J	544.04	544.04	489.64	0.00	0.00	544.04	16.32
[3226] McDowell, Patrick M	285.63	285.63	0.00	0.00	0.00	0.00	0.00
[3227] Scheer, Gregory P	400.33	0.00	0.00	0.00	0.00	0.00	0.00
[3229] Hrbek, SR, Timothy J	38.86	0.00	0.00	0.00	0.00	0.00	0.00
[3231] Dohrmann, Kenneth J	932.65	0.00	0.00	0.00	0.00	0.00	0.00
[4410] Stewart, Samantha	2,582.92	2,582.92	129.14	0.00	0.00	2,582.92	77.49
[4411] Brown, Elizabeth A	1,380.00	0.00	0.00	0.00	0.00	0.00	0.00
[4412] Emmi, Sarah M	1,271.25	0.00	0.00	0.00	0.00	0.00	0.00
Report Totals	77,649.64		3,333.75		0.00	59,778.70	1,793.35



Paid to

City of Valley

For Period	Amount
Description	3,684.40

Amount \$3,684.40

Commission Summary

Date 9/6/2022

8/16-8/31/2022



Paid to

City of Valley

For Period	Amount
Description	4,237.15

Amount \$4,237.15

Commission Summary

Date 9/20/2022

9/1-9/15/2022

**September Keno Receipts
\$7,921.55**



Date: October 4, 2022
To: City of Valley
From: Mike Adair, Region Manager
O & M Report: September 2022

Water Operation & Maintenance

- The water plant produced 33,797,000 gallons of water this month.
- On September 14th the service line before the curb stop was repaired at 120 W Vass Street. A small section of street had to be removed.
- On September 26th a water leak was found near the curb at 102 Gardner Street. After exposing the leak it was determined that the boring company hit the service line just behind the curb stop. This curb stop was approximately 12 inches below ground level. After the repair was made the homeowner was still out of water. We investigated and found the water meter full of sand and debris. The water meter was replaced, and water was restored to the residence.
- There were 358 locates performed this month.
- We continue to work on the expansion of the water plant. The one update I have for you is the building placement has been decided. This was discussed at the last council meeting.
- On September 12th we received a complaint of low water pressure at 304 N West Street. During the water main repair at the railroad crossing, the service lines had to be replaced to the other water main as the leaking main was abandoned. We began investigating the low water pressure complaint by exercising the new curb stop. This did not resolve the issue. Our next option was to look at the service line and curb stop as it was suspected to have a kinked water line. We scheduled Trekk to come and vacuum a hole so we could examine the line. The vacuum excavation was chosen due to the large amount of utilities in the area. The vacuum excavation could not be done until Friday, September 30th. After exposing the curb stop and service line it



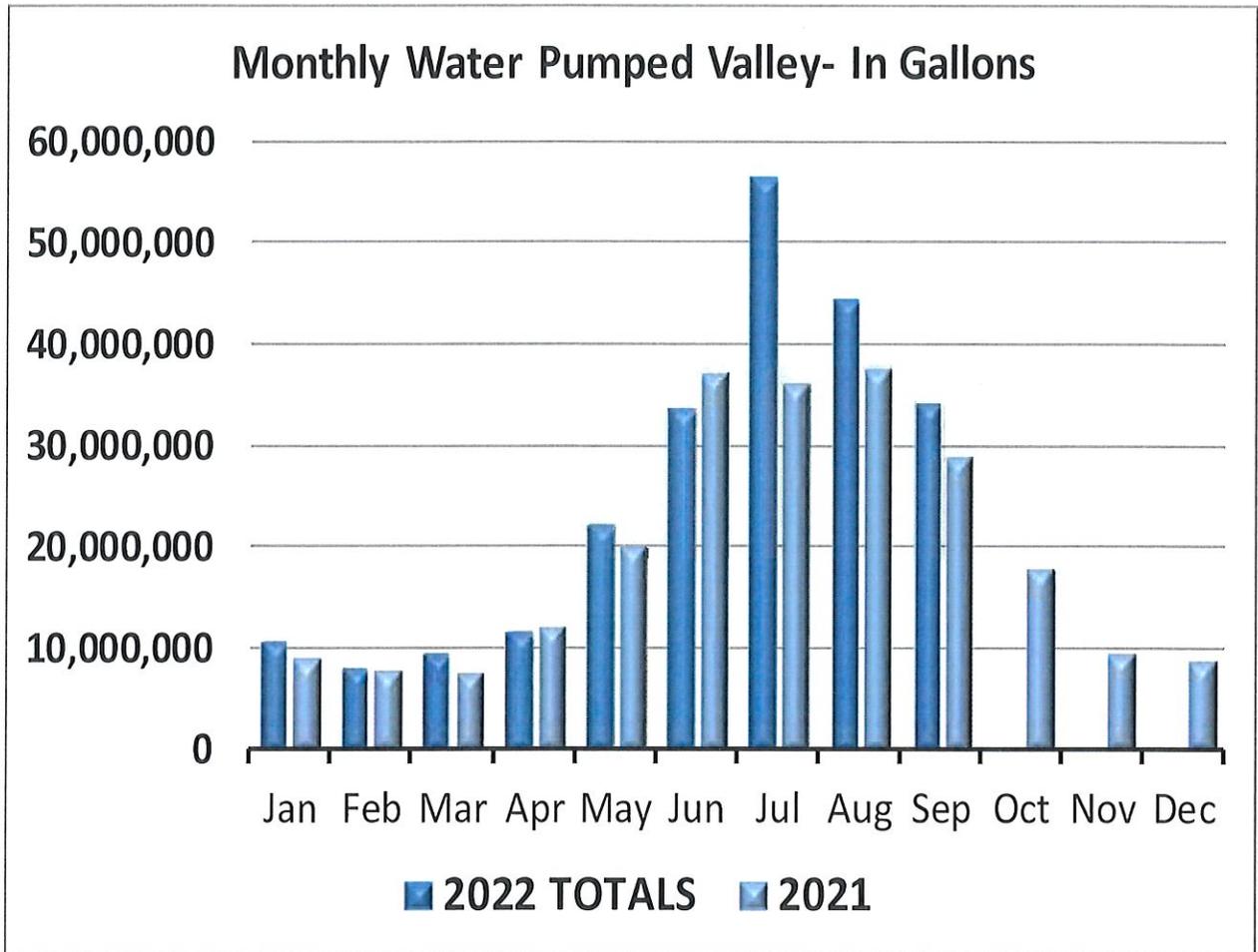
was determined that this was not the issue. We then removed the meter and found sand in the meter. The sand was removed, and full pressure was restored.

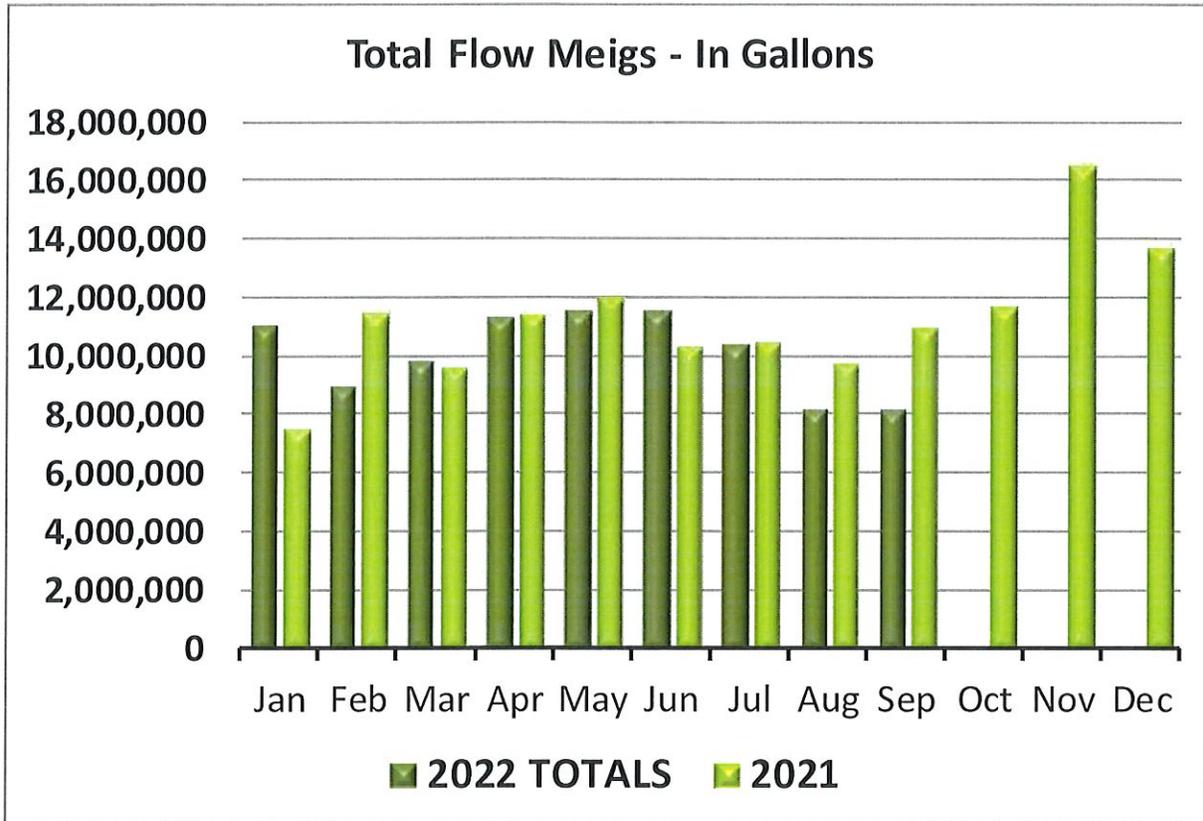
- On September 29th and 30th the distribution system was flushed.

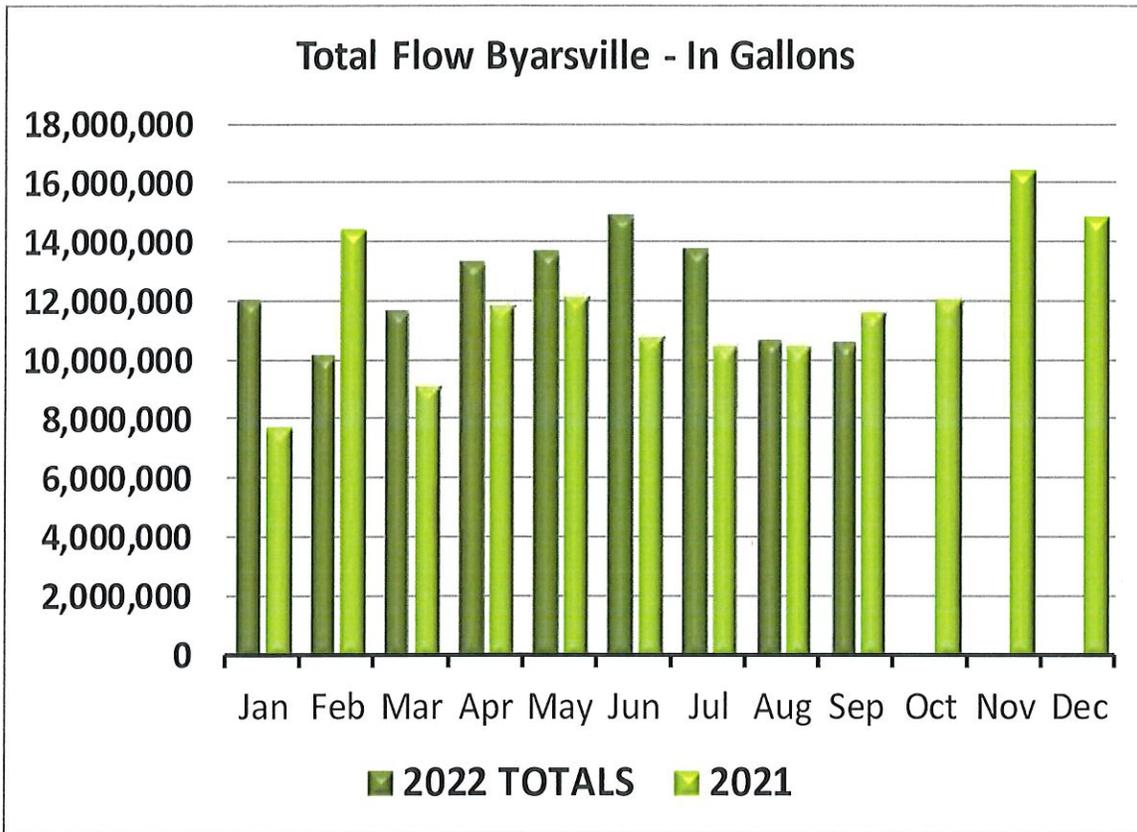
Wastewater Operation & Maintenance

- The total flow to Fremont during this month was 10,654,000 gallons.
- The total flow from Valmont was 346,000 gallons this month.
- On September 14th we received a complaint of a sewer backup at 109 W Harrier Street. After inspecting the manhole, it was determined that jetting needed to be done. Using the cities' jet machine, we jetted the line. The homeowner was still having issues, so Trekk was called in to televise the sewer line. We found root growth in the homeowner's service line. We are recommending that the city send a letter advising the homeowner that the private line needs to be treated for roots.
- On September 17th we received a high level alarm from Ginger Cove #1 lift station. We responded and had to pull the pumps and clean them. The lift station has run without trouble since.
- On September 25th we received a high level alarm from Blue Water lift station #2. We responded and had to pull the pumps and clean them. Lift station has run without trouble since.
- On September 30th we had to replace the temporary pump in Ginger Cove lift station #3. The lift station is in the process of being rehabilitated.

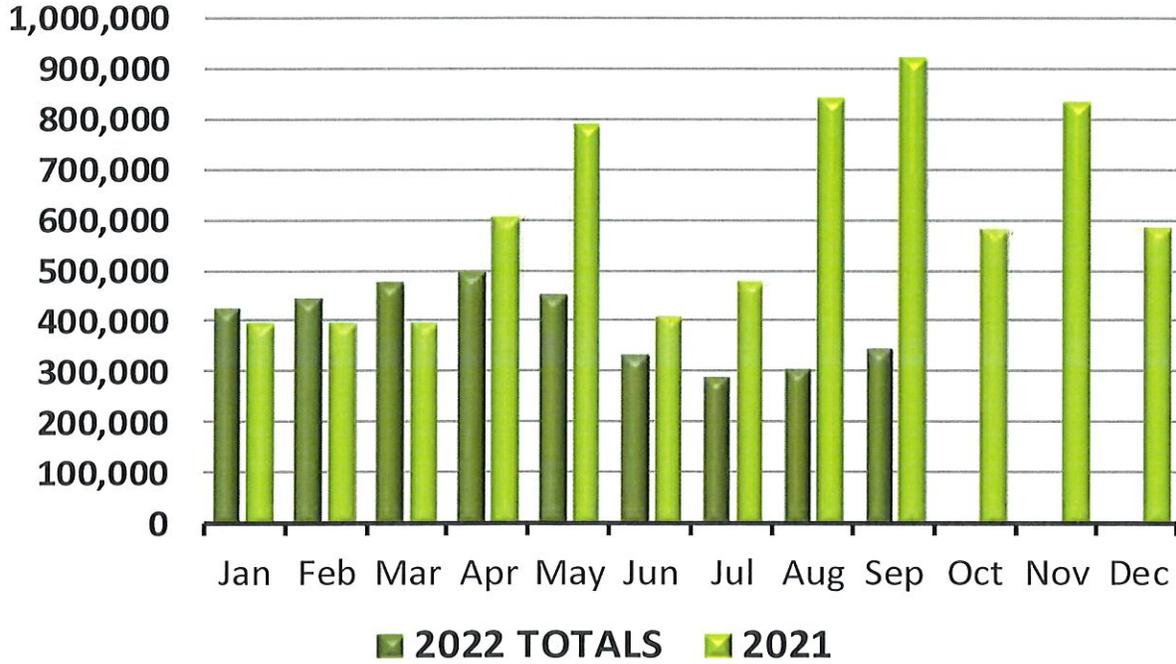
		September-22	August-22	September-21
Water				
	Units			
Total Monthly Pumped Valley	gallons	34,408,000	44,595,000	29,109,000
Daily Average Pumped Valley	gallons	1,126,566	1,438,548	970,300
Average Fluoride Residual	mg/L	0.50	1.03	0.09
Fluoride used	lbs	412.10	482.40	337.60
Average Chlorine Residual	mg/L	0.46	0.40	0.11
Chlorine used	lbs	172.70	314.80	60.20
Potassium Permanganate	lbs	1,248.00	1,069.00	875.00
Wastewater				
Effluent Flow				
Total Flow Meigs Street	gallons	8,228,000	8,229,000	11,012,000
Avg Daily Flow Meigs Street	gallons	274,000	265,451	367,066
Total Flow Byarsville	gallons	10,654,000	10,695,000	11,656,000
Avg Daily Flow Byarsville	gallons	355,000	345,000	388,533
Total Flow Valmont	gallons	346,000	308,000	428,780
Avg Daily Flow Valmont	gallons	11,530	10,266	13,831
Lift Station Data				
Gardiner St Rainwater Total Runtime	hours	0.00	0.00	0.00
Valhaven (#1) Total Runtime	hours	0.00	0.00	4.30
Valhaven (#2) Total Runtime	hours	14.40	6.30	4.60
Country Aire (#1) Total Runtime	hours	33.90	24.40	32.00
Legacy Valley Total Runtime	hours	73.20	57.20	31.20
Legacy Valley Avg Daily Runtime	hours	2.36	1.84	1.00
Valley Shores (1) Pump 1 Total Run	hours	18.50	18.60	27.10
Valley Shores (1) Pump 2 Total Run	hours	16.30	15.90	24.00
Valley Shores (2) Pump 1 Total Run	hours	56.30	55.80	113.80
Valley Shores (2) Pump 2 Total Run	hours	0.00	0.00	119.20
Valley Shores (3) Pump 1 Total Run	hours	8.30	8.80	6.30
Valley Shores (3) Pump 2 Total Run	hours	8.30	8.70	6.10
Regional Pump #1 Total Runtime	hours	770.70	0.00	0.00
Regional Pump #2 Total Runtime	hours	770.80	0.00	0.00
Mallard (1) Pump 1 Total Runtime	hours	13.70	12.90	13.50
Mallard (1) Pump 2 Total Runtime	hours	13.20	12.30	14.00
Mallard (2) Pump 1 Total Runtime	hours	4.80	4.60	6.50
Mallard (2) Pump 2 Total Runtime	hours	4.40	4.20	6.40
Mallard (3) Pump 1 Total Runtime	hours	18.10	22.30	3.90
Mallard (3) Pump 2 Total Runtime	hours	27.30	20.50	0.00
Mallard (4) Pump 1 Total Runtime	hours	88.40	16.00	28.30
Mallard (4) Pump 2 Total Runtime	hours	20.60	51.80	28.50
Bluewater (1) Pump 1 Total Runtime	hours	10.70	10.90	10.80
Bluewater (1) Pump 2 Total Runtime	hours	14.60	16.10	24.80
Bluewater (2) Pump 1 Total Runtime	hours	74.40	68.30	25.10
Bluewater (2) Pump 2 Total Runtime	hours	33.70	33.30	12.10
Bluewater (3) Pump 1 Total Runtime	hours	47.90	22.80	23.90
Bluewater (3) Pump 2 Total Runtime	hours	18.90	13.00	20.50
Bluewater (4) Pump 1 Total Runtime	hours	185.80	17.10	6.30
Bluewater (4) Pump 2 Total Runtime	hours	11.10	10.30	9.80
Bluewater (5) Pump 1 Total Runtime	hours	17.40	0.00	0.00
Bluewater (5) Pump 2 Total Runtime	hours	23.70	45.40	0.00
Bluewater (6) Pump 1 Total Runtime	hours	13.30	9.10	10.40
Bluewater (6) Pump 2 Total Runtime	hours	181.00	133.00	62.50
Bluewater (7) Pump 1 Total Runtime	hours	5.30	6.50	4.80
Bluewater (7) Pump 2 Total Runtime	hours	5.20	6.70	4.80
Ginger Cove (1) Pump 1 Total Runtime	hours	99.80	46.30	37.41
Ginger Cove (1) Pump 2 Total Runtime	hours	19.90	43.00	32.61
Ginger Cove (2) Pump 1 Total Runtime	hours	0.20	0.00	27.90
Ginger Cove (2) Pump 2 Total Runtime	hours	23.80	20.40	68.10
Ginger Cove (3) Pump 1 Total Runtime	hours	0.00	0.00	51.40
Ginger Cove (3) Pump 2 Total Runtime	hours	0.00	0.00	29.80
Ginger Woods (1) Pump 1 Total Runtime	hours	5.30	5.90	2.50
Ginger Woods (1) Pump 2 Total Runtime	hours	4.00	5.10	2.50
Ginger Woods (2) Pump 1 Total Runtime	hours	16.10	22.30	11.19
Ginger Woods (2) Pump 2 Total Runtime	hours	0.00	0.00	11.19
Ginger Woods (3) Pump 1 Total Runtime	hours	128.50	56.30	48.00
Ginger Woods (3) Pump 2 Total Runtime	hours	67.20	52.80	48.00







Total Flow Valmont - In Gallons



Contract True-Ups - Current Contract Year				
Item	Budgeted Amount	Amount Spent	% of Budget	% of Time
Maintenance Budget	\$27,008.00	\$17,775.00	66%	100%
Total	\$27,008.00	\$17,775.00	66%	100%

SEPTEMBER WORK ORDERS COMPLETED

Date completed	Equipment	Location	Task
9/23/2022	BYERSVILLE LS EMERGENCY GENERATOR	5029 Valley, NE	LS Monthly PM
9/20/2022	COUNTRY AIRE LIFTSTATION	5029 Valley, NE	LS Monthly PM
9/20/2022	DAIRY QUEEN LIFTSTATION	5029 Valley, NE	LS Monthly PM
9/20/2022	DAIRY QUEEN LIFTSTATION	5029 Valley, NE	LS Annual PM
9/16/2022	MALLARD LANDING LIFT STATION 1	5029 Valley, NE	LS Monthly PM
9/15/2022	MALLARD LANDING LIFT STATION 2	5029 Valley, NE	LS Monthly PM
9/15/2022	MALLARD LANDING LIFT STATION 3	5029 Valley, NE	LS Monthly PM
9/15/2022	MALLARD LANDING LIFT STATION 4	5029 Valley, NE	LS Monthly PM
9/15/2022	MEIGS LS EMERGENCY GENERATOR	5029 Valley, NE	LS Monthly PM
9/14/2022	REGIOINAL LS EMERGENCY GENERATOR	5029 Valley, NE	LS Monthly PM
9/14/2022	VALHAVEN LIFTSTATION	5029 Valley, NE	LS Monthly PM
9/14/2022	BLUEWATER LIFTSTATION 1	5029 Valley, NE	LS Monthly PM
9/14/2022	BLUEWATER LIFTSTATION 2	5029 Valley, NE	LS Monthly PM
9/14/2022	BLUEWATER LIFTSTATION 3	5029 Valley, NE	LS Monthly PM
9/14/2022	BLUEWATER LIFTSTATION 4	5029 Valley, NE	LS Monthly PM
9/13/2022	BLUEWATER LIFTSTATION 5	5029 Valley, NE	LS Monthly PM
9/13/2022	BLUEWATER LIFTSTATION 6	5029 Valley, NE	LS Monthly PM
9/13/2022	BLUEWATER LIFTSTATION 7	5029 Valley, NE	LS Monthly PM
9/13/2022	GINGER COVE LIFT STATION #1	5029 Valley, NE	LS Monthly PM
9/13/2022	GINGER COVE LIFT STATION #2	5029 Valley, NE	LS Monthly PM
9/12/2022	GINGER COVE LIFT STATION #3	5029 Valley, NE	LS Monthly PM
9/12/2022	GINGER WOODS LIFT STATION #1	5029 Valley, NE	LS Monthly PM
9/12/2022	GINGER WOODS LIFT STATION #2	5029 Valley, NE	LS Monthly PM
9/12/2022	GINGER WOODS LIFT STATION #3	5029 Valley, NE	LS Monthly PM
9/7/2022	MEIGS ST & BYERSVILLE LS PUMPS	5029 Valley, NE	Inspection
9/12/2022	LIFT STATION #1-VALLEY,NE SYST	5029 Valley, NE	LS Monthly PM
9/8/2022	STORMWATER LS 1	5029 Valley, NE	Service Equipment
9/8/2022	VALLEY SHORES LIFT STATION 1	5029 Valley, NE	LS Monthly PM
9/8/2022	VALLEY SHORES LIFT STATION 2	5029 Valley, NE	LS Monthly PM
9/8/2022	VALLEY SHORES LIFT STATION 3	5029 Valley, NE	LS Monthly PM
9/7/2022	VALMONT LIFT STATION	5029 Valley, NE	LS Monthly PM
9/7/2022	AIR COMPRESSOR	6029 Valley, NE	Inspection
9/7/2022	PORTABLE GAS MONITOR	6029 Valley, NE	Calibrate Equipment
9/7/2022	FIRE EXTINGUISHERS	6029 Valley, NE	Inspection



RECEIVED
SEP 23 2022
BY: _____

CITY OF VALLEY
VALLEY PLANNING COMMISSION

Attention was directed to the open meeting act posted in the back of the chamber

Sept. 20, 2022

Valley City Hall

4:30pm

Members present: Larry Bottger Chairman, Joe Lathrop, Mark Conrey, Scott Burke, Brian Foutch, Duane Prorok

Members absent: Greg Kava, Greg Sundae, Jim Tomanek

City Representatives Present: Mayor Cindy Grove, City Administrator Jeremy Marshall

Item 1: CALL TO ORDER

Item 2: PROOF OF PUBLICATION

PUBLIC HEARINGS

Item 3.A Conditional Use Permit-Lot 8 Falcon Business Park, 7304 N. West St.

PROPANE SALES

Tanner Hackel, General Contractor for the Ace Hardware Store, spoke to the Planning Commission. The Hardware Store would like to install a refill propane station as a part of their business model. This would have an above ground tank and an employee would fill the tanks for the customers. The refill station would be located on the North East side of the parking lot, in front of the store.

After questions and discussion, it was moved by Foutch to grant the Conditional Use Permit

Second by Burke

Motion Carried

Item 3.B BLUEWATER REPLAT 16- LOTS 1 AND 2, BEING A REPLATTING OF LOT 1, BLUEWATER REPLAT 12

Klebe Snyder of Lamp and Rynearson engineers for Bluewater development spoke to the Planning Commission. Bluewater would like to split Lot 1 into Lot 1 and Lot 2 of the subdivision. Snyder felt this would increase the prospect for sale by the development. It was noted during discussion that this is the 16th time the Planning Commission has replated this development.

Motion by Conrey to grant the replat. Second by Prorok

Motion Carried.

Item 4 Bruce O'Neel- MD WEST ONE SPORTS COMPLEX-UPDATE

Bruce O'Neel, executive director for the sports complex spoke to the board. He explained that the complex has grown from the original 143 acres to a total of 260 acres with the addition of an additional 117 acres to the east.

He presented to the Planning Commission a master plan that outlines what he feels the development will evolve into. This will now include commercial and residential development, a 27-acre lake as well as the 118 acres devoted to athletic fields. He also shared with the board the most current site plan and Sales Tax-Turn Back Tax plans to help with funding of the project. Bruce hopes to have some of the sports fields up and running by the Spring of 2024

This is a very exciting project for the City of Valley and the Planning Commission expressed its full support to Bruce and his staff.

ADJOURNMENT

Motion by Conrey to adjourn

Second by Lathrop

Motion Carried



Joe Lathrop

Secretary

City of Valley
Tree Board Minutes
October 3, 2022
6:30 P.M.



Present: Mark Henderson, Sue Johnson, Mike Wiekhorst, Doug Eggen
Absent: Troy Hardman

The meeting was brought to order at 6:47 pm. Roll call was taken and is listed above.

Old Business:

Tree Inventory - Mike brought up again, the importance for the City to compile and maintain a tree inventory of trees within the city's responsibilities, ie. street trees, parks, cemetery, and arboretum. The list would be helpful for identifying disease susceptible species as well as liability due to disease and storm damage. This would be a tree board function but would need to rely on resources that can accurately identify tree species. Doug reported that he learned at the Nebraska Forest service in Norfolk, that they have the software that you can use to record your inventory and they will help with the process as far as guidance and data storage.

Invasive Pests – Mike pointed out that our street trees conditions are on the decline. He mentioned the emerald ash borer, linden borer, Zimmerman pine moth and spruce spider mites as species that are becoming more prevalent in our area. A tree inventory will help pinpoint trees that are at risk and a plan for protecting them.

Ordinance clarification and proposal – We discussed street trees and clarification as to the definition of a street tree and responsibilities for it. We discussed the possibility of approaching the City council with an ordinance proposal that would require all new construction houses to include at least one tree in their front yard. This is not uncommon in subdivision covenants but we think it would be nice to happen city wide.

New Business:

New member – City ordinance limits the size of the tree board to 5 members. We currently have an opening and would like to develop an application for interested parties to complete before sending to the Mayor for appointment. Upon gaining permission from the Mayor to proceed with the application, Mike would develop a brief application based on the fire department application that can be used and publicized.

Grants – Doug shared that he learned of multiple grant opportunities at the conference he attended in Norfolk. Mark offered to work on grant applications after Doug emails him links.

Tree City USA Application 2022 – The application for next year's tree city USA designation is now available online. Doug completed the application last year and plans to do so again this year.

Goals – The following goals were set for the upcoming fiscal year:

1. Plant more trees using budgeted funds and grants

2. Complete an Inventory of the public community forest.
3. Review ordinances and propose tree related updates ie requiring new construction homes to include a tree in their front yard.
4. Add a replacement tree board member.
5. Apply for tree related grants.

The meeting adjourned at 7:51 pm.

Next meeting is Monday December 5th, 2022 at 6:30 pm at the City of Valley Council Chambers.

Board of Adjustments Meeting Minutes



Meeting Date: September 27th, 2022

Board Members present: Larry Bottger, Mike Stratman, Cal Peacock, Chris Ott

Board Members absent: Chris Poore and Steve Goldmapp

Cal called the meeting to order at 4:34pm.

Dustin Cruikshank requested a variance to build a new storage building at his personal residence located at 27304 State Street, Valley, NE. The request was read to the audience by Cal Peacock. The original request was denied due to Accessory structure height limitation of 15' which is set in Article 5, Section 5.07.06. Mr. Cruikshank wants to have his side walls be 16' so he would be 1' over the limitation due to being able to get his equipment into the building without any problems. His property sits on approximately 20 acres and all other building codes would be met including setbacks, flood gates, and other codes according to Rune Van den Boogaart (Zoning Administrator). Larry motioned the variance be approved with 16' sidewalls, with Mike Stratman seconded the motion. All members present voted in favor of motion with no votes opposed.

Meeting was adjourned at 4:38pm with Larry Bottger making the motion and seconded by Chris Ott.

A handwritten signature in black ink, appearing to be "Chris Ott". The signature is fluid and cursive, written in a professional style.

Chris Ott, Secretary

DAILY RECORDS**September 2022**

		This month	Last month	Last year
LIBRARY VISITS:				
	Adults	340	349	242
	Children	343	579	192
Computers	Adults	47	44	21
	Children	41	19	4
Fax/Copies		22	24	19

Reference transactions (indicate nature of question)

Locating Library Materials 23, Readers' Advisory 13, Account info and renewals 3, Technology Assistance 49, Local Info 41, General Info 100.

	Total	229	232	122
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PROGRAM ATTENDANCE:

	Adults	34	32	31
9/3 Knitting – 8; 9/10 Knitting – 6; 9/15 Knitting – 5; 9/17 Knitting – 6; 9/19 Book Club – 3; 9/24 Knitting – 6				
	Teens	3	0	2
Monthly Drop-In Switch Gaming – 3				
	Children	162	405	96
9/2 Lego Club – 17; 9/6 Tween Tuesday – 7; 9/9 Lego Club – 12; 9/13 Tween Tuesday – 9; 9/16 Lego Club – 17; 9/20 Tween Tuesday – 8; 9/20 Title Night – 54; 9/23 Lego Club – 19; 9/27 Tween Tuesday – 8; 9/30 Lego Club – 10				
	Pre-K	42	0	0
9/2 Duplo Club – 6; 9/9 Duplo Club – 10; 9/16 Duplo Club – 9; 9/23 Duplo Club – 9; 9/30 Duplo Club – 8				
	Total	241	437	129

New patrons (indicate Valley, other Douglas Co., non-DC)

Valley 5, other DC 2, Non DC 0

Total	7	12	9
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Volunteers/hours	0/0	0/0	0/0
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MATERIALS CHECKED OUT:

Adult	614	920	216
Children	961	1156	227
Overdrive	217	251	167

Cheryl Eckerman

From: Valley City Office
Sent: Monday, September 12, 2022 9:59 AM
To: Cindy Grove; Cheryl Eckerman; Jeremy Marshall
Subject: Council Agenda Request Jeff Rensch, Director of Board - Ginger Cove

Name: Jeff Rensch, Director of Board - Ginger Cove

Phone: (402)677-5333

Email Address: jeff@jeffrench.com

Address: 91 Ginger Cove Rd Omaha, NE 68064

Agenda Item Description: As a Board of Directors, we have been fielding an alarming number of "close call" complaints from homeowners regarding the high speed of vehicles traveling through the neighborhood. We are reaching out to introduce a simple solution to reduce the risk of serious injury to pedestrians who frequent our roads by foot and bicycle. As background, Ginger Cove was originally developed in the 1960's with non-conforming roads compared with today's specifications. The roads are narrow, windy, do not have curbs, sidewalks or any type of street lights. These road attributes are consistent with a lake home resort community developed in the 60's and are appreciated by its residents because of the nature of the lake development. Since its inception, Ginger Cove has had a posted speed limit of 20 mph (and only at the entrance). In an attempt to remind drivers to slow down and to make a positive impact on pedestrian safety, we made a request to the City for an appropriate number of 20 mph speed limit signs to be placed throughout the community. Upon the request, we learned the City of Valley has a standard 25 mph minimum for city streets and our request was denied.

Requested Action: Our request is simple. Because of the non-conforming, unique nature of the design, construction and development of the roads at Ginger Cove and concern for pedestrian safety thereof, the citizens of Ginger Cove respectfully request a variance to the 20 mph speed limit which was the originally intended by the engineers and developer before our annexation to the City of Valley in 2010. We believe and hope as a community that well posted 20 mph speed limit signs will remind drivers to slow down and reduce the chances of personal injury to pedestrians in the years to come. We appreciate your consideration and thank you very much for your service to the community.

Does this require an expenditure of funds: No

[View in List](#)

Cheryl Eckerman

From: Valley City Office
Sent: Wednesday, October 5, 2022 9:53 AM
To: Cindy Grove; Cheryl Eckerman; Jeremy Marshall
Subject: Council Agenda Request Jerry Rinne

Name: Jerry Rinne

Phone: 402-719-0332

Email Address: jrinne@metroymca.org

Address: Twin Rivers YMCA 6100 Twin Rivers Circle Valley, NE 68064

Agenda Item Description: The YMCA would like to use the Valley City Park for our annual Trunk & Treat event on Thursday, October 27th from 5:30 pm - 7:30 pm. This will be the third year the YMCA has done this at the park. It is a great and safe event for youth of Valley.

Requested Action: To approve using the Valley City Park for the Twin Rivers YMCA Annual Trunk and Treat event on Thursday, October 27 from 5:30 pm - 7:30 pm.

Does this require an expenditure of funds: No

[View in List](#)

Cheryl Eckerman

From: Doug Eggen
Sent: Tuesday, October 4, 2022 10:45 AM
To: Cheryl Eckerman
Cc: Mike Wiekshort (mswiekhorstarbor@yahoo.com)
Subject: Addition to October Council Agenda

Cheryl,

Would you please add Mike Wiekhorst to the council agenda to get permission to draft new language to Article X Section 1-1020: Arborist License of the municipal code? We think we need to make the requirements more of a license requirement than a permit with just showing proof of insurance.

Thanks

Doug Eggen
Public Works Superintendent
City of Valley
203 N Spruce St
P O Box 682
Valley NE 68064
deggen@valleyne.org
Office – (402) 359-2251 x1313
Cell – (402) 669-7951

ARTICLE X - TREE BOARD

SECTION 1-1001: CREATION AND ESTABLISHMENT OF TREE BOARD

There is hereby created and established a Tree Board for the City, which shall consist of five members. Such members shall be appointed by the mayor with the approval of the City Council. ▫

SECTION 1-1002: TERMS OF OFFICE

The term of each Tree Board member shall be three years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed by the mayor with the approval of the City Council for the unexpired term. ▫

SECTION 1-1003: COMPENSATION

Members of the Tree Board shall serve without compensation. ▫

SECTION 1-1004: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan shall be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive city tree plan. The Tree Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work. ▫

SECTION 1-1005: OPERATION

The Tree Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall constitute a quorum for the transaction of business. ▫

SECTION 1-1006: INTERFERENCE WITH TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while they are engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article. ▫

SECTION 1-1007: REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the Council. Such

appeal must be in writing and must be filed with the city clerk, who shall place the appeal on the agenda for the next regular meeting for consideration. The Council shall decide the appeal, and such decision shall be final. ▫

SECTION 1-1008: DEFINITIONS

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways with the City. ▫

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City or to which the public has free access as a park. ▫

"Private community forest" is herein defined as all trees within city boundaries but not owned by the City. ▫

"Public community forest" is herein defined as all street and park trees owned by the City as a total resource. ▫

SECTION 1-1009: STREET TREE SPECIES TO BE PLANTED

The tree list adopted by the Tree Board and published by it constitutes the official street tree species for the City. No species other than those included in this list may be planted as street trees without written permission of the Tree Board. ▫

SECTION 1-1010: SPACING

The spacing of street trees will be in accordance with the three species size classes listed in the tree list, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect. ▫

SECTION 1-1011: DISTANCE FROM CURB AND SIDEWALK

The distance which trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the tree list, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet. ▫

SECTION 1-1012: DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet to any fire hydrant. ▫

SECTION 1-1013: UTILITIES

No street trees other than those species listed as small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility. ◻

SECTION 1-1014: PUBLIC TREE CARE

The City shall have the right to plant, subject to Section 1-1013 herein, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article. ◻

SECTION 1-1015: CONSENT OF PROPERTY OWNER

The Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official tree board records. ◻

SECTION 1-1016: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. Tree topping on private property is strongly discouraged. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the Tree Board. ◻

SECTION 1-1017: PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the City shall prune the branches so that they shall not obstruct the light from any street lamp or obstruct the view of any street intersection. There shall also be a clear space of eight feet above the surface of the street or sidewalk. ◻

SECTION 1-1018: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

1. All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the

Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service. Such notice shall allow the said owner 60 days to remove the said tree or trees. ▫

2. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation or by certified mail if the name and address are known. The person charged with the removal may enter into an agreement with the City that such work be accomplished by the City and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement or to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law. ▫

3. In the event the property owner is a non-resident of the county in which the property lies, before levying any special assessment against that property the City shall send to the last known address of the non-resident property owner, by certified mail, return receipt requested, a copy of any notice required by law to be published. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. ▫

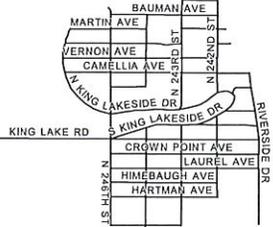
SECTION 1-1019: REMOVAL OF STUMPS

All stumps of street and park trees shall be removed so that the top of the stump does not project above the surface of the ground. ▫

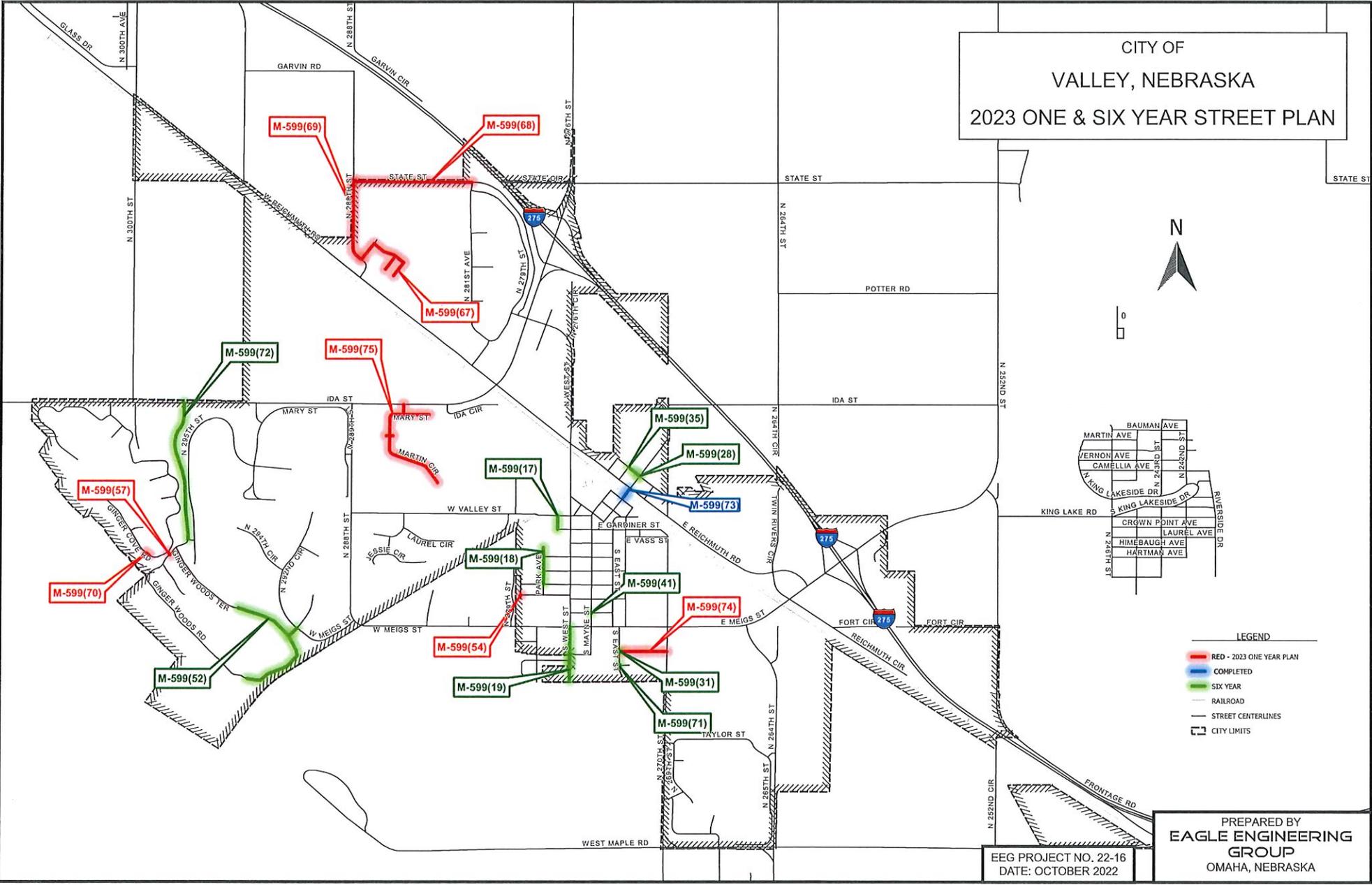
SECTION 1-1020: ARBORIST'S LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance, provided that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage, indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. ▫

CITY OF
VALLEY, NEBRASKA
2023 ONE & SIX YEAR STREET PLAN



- LEGEND
- RED — 2023 ONE YEAR PLAN
 - BLUE — COMPLETED
 - GREEN — SIX YEAR
 - RAILROAD
 - STREET CENTERLINES
 - CITY LIMITS



EEG PROJECT NO. 22-16
DATE: OCTOBER 2022

PREPARED BY
EAGLE ENGINEERING
GROUP
OMAHA, NEBRASKA

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

August 1, 2022

Notice to file the Annual Certification of Program Compliance and Signing Resolution with the Nebraska Board of Public Roads Classifications and Standards (NBCS) by October 31, 2022.

Please make this an agenda item for your next City Council / Village Board meeting.

To avoid the suspension of Highway-user Revenue to your municipality please complete the enclosed **MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE** and **SIGNING RESOLUTION** and return them to the NBCS by **October 31, 2022**. Reference Neb. Rev. Stat. §§39-2120 and 39-2121(1).

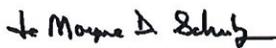
Penalties for failure to comply can be found in the following State Statutes:

- Failure to comply with the provisions of Neb. Rev. Stat. §39-2115.
- Failure to comply with the provisions of Neb. Rev. Stat. §39-2119.
- Failure to file the Municipal Annual Certification of Program Compliance with the NBCS, Neb. Rev. Stat. §39-2121(2).
- Filing of a materially false Municipal Annual Certification of Program Compliance, Neb. Rev. Stat. §39-2121(3).
- Construction below minimum standards without the prior approval of the NBCS, Neb. Rev. Stat. §39-2121(3).

Note: While the signature of the City Street Superintendent is optional on the certification, the NBCS strongly recommends that the superintendent sign this certification if said municipality has a superintendent.

Please let me know if you have any questions. Email: lemoyne.schulz@nebraska.gov
Phone: (402) 479-4436

Sincerely,



LeMoyne D. Schulz
Secretary for the Board

LDS/2022

xc: File

Attachments (2)

John R. Selmer, P.E., Director
Department of Transportation

Board of Public Roads Classifications and Standards
1400 Highway 2
PO Box 94759
Lincoln, NE 68509-4759

OFFICE 402-479-4436
ndot.blshelp@nebraska.gov

dot.nebraska.gov



John Picketts, Governor

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Brandie S. Neemann
Lincoln

Steven D. Rames
Norfolk

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyne D. Schulz
Secretary – ex officio

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2022) may result in the suspension of Highway Allocation funds until the documents are filed.

RESOLUTION

**SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
2022**

Resolution No. 2022-50

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor Village Board Chairperson of City of Valley
(Check one box) (Print name of municipality)
is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this 11th day of October, 2022 at Valley Nebraska.
(Month)

City Council/Village Board Members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

City Council/Village Board Member _____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed and billed as adopted.

Attest:

(Signature of Clerk)

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to return both pages of the original document by the filing deadline (October 31, 2022) may result in the suspension of Highway Allocation funds until the documents are filed.

**MUNICIPAL
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
TO
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS
AND STANDARDS
2022**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City Village of Valley
(Check one box) (Print name of municipality)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**



Signature of Mayor Village Board Chairperson (Required) (Date)

Signature of City Street Superintendent (Optional) (Date)

Return the completed original signing resolution and annual certification of program compliance by October 31, 2022 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509

RESOLUTION 2022-51

WHEREAS, the City of Valley, Douglas County, Nebraska, proposes to enter into an Agreement with JEO Consulting Group, Inc.; and

WHEREAS, based on said agreement JEO Consulting Group, Inc. will provide a Conceptual Master Plan and Design Alternatives for the Valley Park Master Plan; and

WHEREAS, the Valley City Council in regular session on October 11, 2022, and reviewed said agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the Valley City Council consents to and authorizes Mayor Cindy Grove to execute said agreement with JEO Consulting Group, Inc. on behalf of the City of Valley, a copy of which is marked "Exhibit A" and attached hereto and made a part hereof by reference.

DATED THIS 11th DAY OF OCTOBER, 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 K. Eckerman, City Clerk



**AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of September 22, 2022 (“Effective Date”) between City of Valley, NE (“Owner”) and JEO Consulting Group, Inc. (“Engineer”).

Owner’s project, of which Engineer’s services under this Agreement are a part, is generally identified as follows:

Valley Park Master Plan (“Project”).

JEO Project Number:

Owner and Engineer further agree as follows:

ARTICLE 1 - SERVICES OF ENGINEER

1.01 Scope

- A. Engineer shall provide, or cause to be provided, the services set forth herein and in Exhibit A.

ARTICLE 2 - OWNER’S RESPONSIBILITIES

2.01 Owner Responsibilities

- A. Owner responsibilities are outlined in Section 3 of Exhibit B.

ARTICLE 3 - COMPENSATION

3.01 Compensation

- A. Owner shall pay Engineer as set forth in Exhibit A and per the terms in Exhibit B.
- B. The fee for the Project is as noted in Exhibit A.
- C. The Standard Hourly Rates Schedule shall be adjusted annually (as of approximately January 1st) to reflect equitable changes in the compensation payable to Engineer. The current hourly rate schedule can be provided upon request.

ARTICLE 4 - EXHIBITS AND SPECIAL PROVISIONS

4.01 Exhibits

Exhibit A – Scope of Services
Exhibit B – General Conditions

4.02 Total Agreement

- A. This Agreement (consisting of pages 1 to 2 inclusive, together with the Exhibits identified as included above) constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Owner:

Engineer: JEO Consulting Group, Inc.



By: _____

By: Eric Casper

Title: _____

Title: Project Manager / Senior Landscape Architect

Date Signed: _____

Date Signed: 09/22/2022

Address for giving notices:

Address for giving notices:

JEO Consulting Group, Inc.

2000 Q. Street

Suite 500

Lincoln, NE 68503



**SCOPE OF SERVICES:
Exhibit A**

**Valley Park Master Plan
Valley, NE
09/22/2022**

PROJECT DESCRIPTION

JEO understands that the project will consist of improvements to the existing city park. JEO will create a master plan drawing for the project along with a cost estimate and a park rendering to be used for fundraising purposes. The master plan will identify parking, ball court, play structure and sidewalk improvements. A property drawing is included as Exhibit 'C'. The following tasks are based on discussions and information provided by the Owner.

What follows is a basic scope of services for this initial Master Plan Phase along with a list of deliverables which will be developed as a foundation for the project.

1. Conceptual Master Plan

1.1 Project Kick-Off and Project Initiation

- 1.1.1 Conduct the project Initiation/Kick-off Meeting – Meet with the City representatives and other interested parties. **(Meeting in Valley)**
- 1.1.2 The purpose of the meeting will be to introduce all members of the team, establish lines of communication, and to gain input regarding project requirements and goals in detail and review available data pertaining to the project area.

1.2 Data Collection, Inventory and Assessment

- 1.2.1 JEO will use the available lidar survey and current aerial photography to serve as the base for the master planning effort.
- 1.2.2 Conduct a site visit to inventory and document the property

1.3 Conceptual Design Alternatives.

- 1.3.1 Develop two (2) conceptual master plan drawings
 - 1.3.1.1 Plans will be produced at a level of detail to identify and graphically represent major site components but not to a level of detail of schematic design or design development drawings.
 - 1.3.1.2 Meet with the City and key stakeholders to review conceptual plans **(Conference / Web Call)**
 - 1.3.1.3 Develop planning-level cost estimates for the improvements

1.4 Park Master Plan Rendering

- 1.4.1.1 Produce (1) colored rendering of the approved concept plan
 - 1.4.1.1.1 Print one large (24x36) and one small (11x17) image
 - 1.4.1.1.2 PDF Digital Copy

2. Summary of Deliverables and Meetings

- 2.1 JEO proposes to provide the following deliverables and meetings:
 - 2.1.1 (1) In-Person Meeting

- 2.1.2 Up to (2) four virtual owner and/ or user meetings
- 2.1.3 Draft conceptual master plan drawings and estimates
- 2.1.4 (1) Color Master Plan Drawing

3. FEE

3.1 JEO proposes to provide the services defined above for the **lump sum fee** defined below:

<i>Task</i>	<i>Fee</i>
Task 1-2 (Not to Exceed)	\$15,000.00

3.2 Progress Payments:

- 3.2.1 JEO will bill for services completed near the end of each month. All invoices are due payable upon receipt and are considered delinquent after 30 days.
- 3.2.2 Invoices not paid within 30 days may be charged interest at the annual rate of 12% (1.0%/month).
- 3.2.3 Payments will be applied first to the interest then principal.
- 3.2.4 Work by JEO will cease if invoices have not been paid in full within 60 days and will not begin again until full payment with interest has been received.

4. CONTRACT TIME

- 4.1 JEO will work as expeditiously as possible, pending authorization from Owner to complete the tasks in this project within 60 days from contract execution.
- 4.2 The information in this proposal and fee estimate is valid until December 31, 2022. After that time, the scope of services and estimated are subject to adjustment.

5. EXCLUSIONS

- 5.1 Architectural and civil design services
- 5.2 Topographic and boundary Surveys
- 5.3 Environmental Reviews
- 5.4 Digital movie of the project
- 5.5 Meetings not identified within this scope of services
- 5.6 Any other items not outlined in the scope of services

6. REIMBURSABLE EXPENSES

- 6.1 Typical reimbursable expenses are included in the lump-sum and include: Mileage for trips required to complete the work defined above, long-distance phone calls, meals, other travel expenses, software, copies/prints, and faxes.
- 6.2 Other reimbursable expenses shall be billed at 110% of their cost. (None are anticipated on this project.)

7. ADDITIONAL TERMS

- 7.1 The General Conditions are specified in Exhibit B.

JEO CONSULTING GROUP INC ■ JEO ARCHITECTURE INC

GENERAL CONDITIONS

1. SCOPE OF SERVICES: JEO Consulting Group, Inc. (JEO) shall perform the services described in Exhibit A. JEO shall invoice the client for these services at the fee stated in Exhibit A.

2. ADDITIONAL SERVICES: JEO can perform work beyond the scope of services, as additional services, for a negotiated fee or at fee schedule rates.

3. CLIENT RESPONSIBILITIES: The client shall provide all criteria and full information as to the client's requirements for the project; designate and identify in writing a person to act with authority on the client's behalf in respect to all aspects of the project; examine and respond promptly to JEO's submissions; and give prompt written notice to JEO whenever the client observes or otherwise becomes aware of any defect in work.

Unless otherwise agreed, the client shall furnish JEO with right-of-access to the site in order to conduct the scope of services. Unless otherwise agreed, the client shall also secure all necessary permits, approvals, licenses, consents, and property descriptions necessary to the performance of the services hereunder. While JEO shall take reasonable precautions to minimize damage to the property, it is understood by the client that in the normal course of work some damage may occur, the restoration of which is not a part of this agreement.

4. TIMES FOR RENDERING SERVICES: JEO's services and compensation under this agreement have been agreed to in anticipation of the orderly and continuous progress of the project through completion. Unless specific periods of time or specific dates for providing services are specified in the scope of services, JEO's obligation to render services hereunder shall be for a period which may reasonably be required for the completion of said services.

If specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided, and if such periods of time or date are changed through no fault of JEO, the rates and amounts of compensation provided for herein shall be subject to equitable adjustment. If the client has requested changes in the scope, extent, or character of the project, the time of performance of JEO's services shall be adjusted equitably.

5. INVOICES: JEO shall submit invoices to the client monthly for services provided to date and a final bill upon completion of services. Invoices are due and payable within 30 days of receipt. Invoices are considered past due after 30 days. Client agrees to pay a finance charge on past due invoices at the rate of 1.0% per month, or the maximum rate of interest permitted by law.

If the client fails to make any payment due to JEO for services and expenses within 30 days after receipt of JEO's statement, JEO may, after giving 7 days' written notice to the client, suspend services to the client under this agreement until JEO has been paid in full all amounts due for services, expenses, and charges.

6. STANDARD OF CARE: The standard of care for all services performed or furnished by JEO under the agreement shall be the care and skill ordinarily used by members of JEO's profession

practicing under similar circumstances at the same time and in the same locality. JEO makes no warranties, express or implied, under this agreement or otherwise, in connection with JEO's services.

JEO shall be responsible for the technical accuracy of its services and documents resulting therefrom, and the client shall not be responsible for discovering deficiencies therein. JEO shall correct such deficiencies without additional compensation except to the extent such action is directly attributable to deficiencies in client furnished information.

7. REUSE OF DOCUMENTS: Reuse of any materials (including in part plans, specifications, drawings, reports, designs, computations, computer programs, data, estimates, surveys, other work items, etc.) by the client on a future extension of this project, or any other project without JEO's written authorization shall be at the client's risk and the client agrees to indemnify and hold harmless JEO from all claims, damages, and expenses including attorney's fees arising out of such unauthorized use.

8. ELECTRONIC FILES: Copies of Documents that may be relied upon by the client are limited to the printed copies (also known as hard copies) that are signed or sealed by JEO. Files in electronic media format of text, data, graphics, or of other types that are furnished by JEO to the client are only for convenience of the client. Any conclusion or information obtained or derived from such electronic files shall be at the user's sole risk.

a. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the party receiving electronic files agrees that it shall perform acceptance tests or procedures within 30 days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any errors detected within the 30 day acceptance period shall be corrected by the party delivering the electronic files. JEO shall not be responsible to maintain documents stored in electronic media format after acceptance by the client.

b. When transferring documents in electronic media format, JEO makes no representations as to long term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by JEO at the beginning of the project.

c. The client may make and retain copies of documents for information and reference in connection with use on the project by the client.

d. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

e. Any verification or adaptation of the documents by JEO for extensions of the project or for any other project shall entitle JEO to further compensation at rates to be agreed upon by the client and JEO.

9. SUBCONSULTANTS: JEO may employ consultants as JEO deems necessary to assist in the performance of the services. JEO shall not be required to employ any consultant unacceptable to JEO.

10. INDEMNIFICATION: To the fullest extent permitted by law, JEO and the client shall indemnify and hold each other harmless and

JEO CONSULTING GROUP INC ■ JEO ARCHITECTURE INC

GENERAL CONDITIONS

their respective officers, directors, partners, employees, and consultants from and against any and all claims, losses, damages, and expenses (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) to the extent such claims, losses, damages, or expenses are caused by the indemnifying parties' negligent acts, errors, or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of JEO and the client, they shall be borne by each party in proportion to its negligence.

11. INSURANCE: JEO shall procure and maintain the following insurance during the performance of services under this agreement:

- a. Workers' Compensation: Statutory
- b. Employer's Liability
 - i. Each Accident: \$500,000
 - ii. Disease, Policy Limit: \$500,000
 - iii. Disease, Each Employee: \$500,000
- c. General Liability
 - i. Each Occurrence (Bodily Injury and Property Damage): \$1,000,000
 - ii. General Aggregate: \$2,000,000
- d. Auto Liability
 - i. Combined Single: \$1,000,000
- e. Excess or Umbrella Liability
 - i. Each Occurrence: \$1,000,000
 - ii. General Aggregate: \$1,000,000
- f. Professional Liability:
 - i. Each Occurrence: \$1,000,000
 - ii. General Aggregate: \$2,000,000
- g. All policies of property insurance shall contain provisions to the effect that JEO and JEO's consultants' interests are covered and that in the event of payment of any loss or damage the insurers shall have no rights of recovery against any of the insureds or additional insureds thereunder.
- h. The client shall require the contractor to purchase and maintain general liability and other insurance as specified in the Contract Documents and to cause JEO and JEO's consultants to be listed as additional insured with respect to such liability and other insurance purchased and maintained by the contractor for the project.
- i. The client shall reimburse JEO for any additional limits or coverages that the client requires for the project.

12. TERMINATION: This agreement may be terminated by either party upon 7 days prior written notice. In the event of termination, JEO shall be compensated by client for all services performed up to and including the termination date. The effective date of termination may be set up to thirty (30) days later than otherwise provided to allow JEO to demobilize personnel and equipment from the site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble project materials in orderly files.

13. GOVERNING LAW: This agreement is to be governed by the law of the state in which the project is located.

14. SUCCESSORS, ASSIGNS, AND BENEFICIARIES: The client and JEO each is hereby bound and the partners, successors, executors, administrators and legal representatives of the client and JEO are hereby bound to the other party to this agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, with respect to all covenants, agreements and obligations of this agreement.

a. Neither the client nor JEO may assign, sublet, or transfer any rights under or interest (including, but without limitation, monies that are due or may become due) in this agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any duty or responsibility under this agreement.

b. Unless expressly provided otherwise in this agreement: Nothing in this agreement shall be construed to create, impose, or give rise to any duty owed by the client or JEO to any contractor, contractor's subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them.

c. All duties and responsibilities undertaken pursuant to this agreement shall be for the sole and exclusive benefit of the client and JEO and not for the benefit of any other party.

15. PRECEDENCE: These standards, terms, and conditions shall take precedence over any inconsistent or contradictory language contained in any proposal, contract, purchase order, requisition, notice to proceed, or like document regarding JEO's services.

16. SEVERABILITY: Any provision or part of the agreement held to be void or unenforceable shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the client and JEO, who agree that the agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

17. E-VERIFY: JEO shall register with and use the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986, to determine the work eligibility status of new employees physically performing services within the state where the work shall be performed. Engineer shall require the same of each consultant.

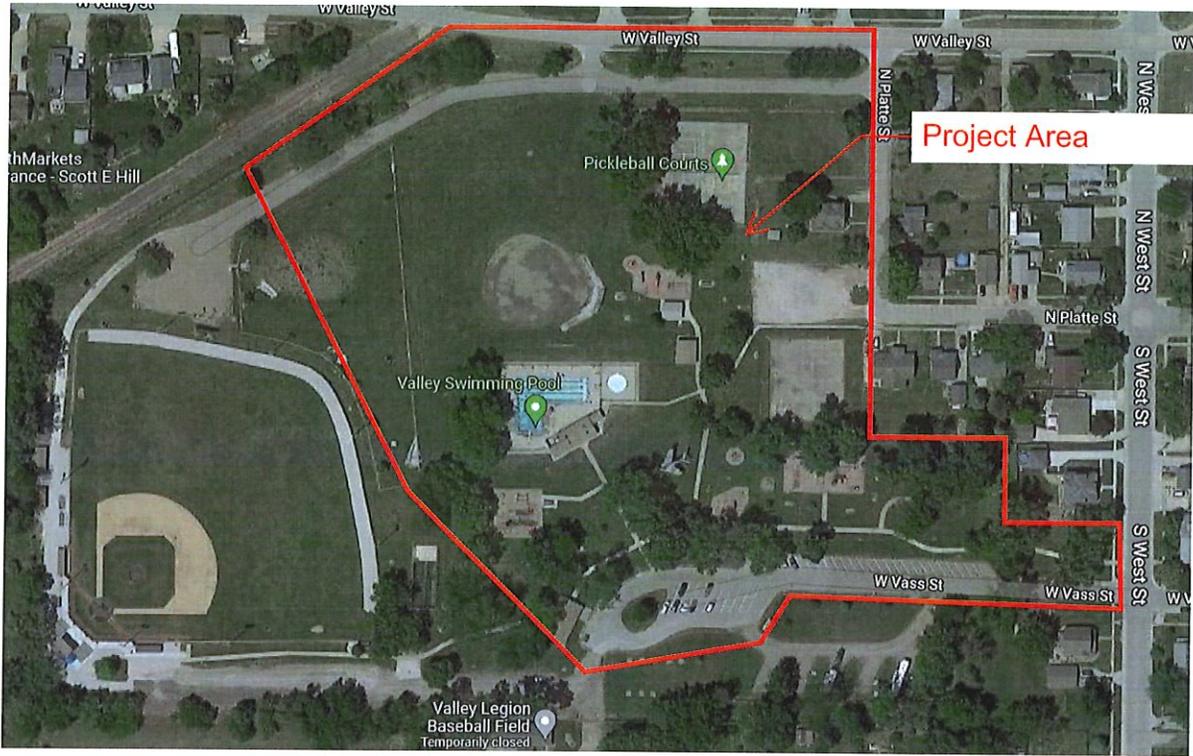


Exhibit "C"

RESOLUTION NO. 2022-52

WHEREAS, on September 20, 2022 the City of Valley Planning Commission met pursuant to Statutory Public Notice and considered the following plat:

Bluewater Replat 16

Being a replatting of Lot 1, Bluewater Replat 12, in Douglas County, Nebraska

WHEREAS, said Planning Board recommended approval of said plat, therefore;

BE IT HEREBY RESOLVED by the Governing Body of the City of Valley, Douglas County, Nebraska, that it hereby approves the final plat of

Bluewater Replat 16

Being a replatting of Lot 1, Bluewater Replat 12, in Douglas County, Nebraska

A copy of which plat and land surveyor's certificate, showing the plat, map and survey of the lot(s) involved in the said plat is attached hereto and made a part hereof by reference.

DATED this 11th day of October, 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 K. Eckerman, City Clerk

RESOLUTION NO. 2022 – 53

WHEREAS, on or about April 14, 2020, **Flatwater Lake, L.L.C.**, a Nebraska limited liability company and the **City of Valley, Nebraska** entered into an Irrevocable Letter of Credit Agreement wherein Flatwater and City agree certain funds for Flatwater Lake – Phase Two and Flatwater Lake – Phase Three be secured by a loan obtained by the subdivider for distribution in accordance with the terms of this Agreement.

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

WHEREAS, the sum of Two thousand three hundred seventy-eight & 36/100 dollars, (\$2,378.36) is **due to CITY OF VALLEY**, as submitted by the attached invoice from 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 No. 16-19060.

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

1. Union Bank & Trust is hereby authorized and directed to disburse to **CITY OF VALLEY** the sum of Two thousand three hundred seventy-eight & 36/100 dollars, (\$2,378.36) as payment due for Flatwater Phase 2 Water/Sanitary Sewer.

PASSED AND APPROVED THIS 11th DAY OF OCTOBER, 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

PAYMENT DUE UPON RECEIPT

September 13, 2022

INVOICE NO. 16-19060

City of Valley
PO Box 682
Valley, NE 68064

Re: Valley NE Flat Water Ph 2 Water/Sanitary Sewer
Valley, Nebraska
OPCE Project No. 19060

For BASIC and ADDITIONAL ENGINEERING SERVICES provided to the City of Valley for the period ending August 31, 2022 required for the project closeout and outdoor emergency siren for Flat Water Phase 2:

1. Project Closeout:	\$ 1,012.00
2. Final Construction Observation Services	815.60
3. Emergency Siren Services	391.00
4. Reimbursable Expenses (Mileage, Postage & Copies)	<u>159.76</u>
Total:	2,378.36

*paid by City
9-21-22
CK # 53279*

TOTAL AMOUNT DUE THIS INVOICE: \$ 2,378.36

* Services are 100% reimbursable from Flat Water Lakes

By: 
James J. Olmsted, P.E.

OLMSTED & PERRY CONSULTING ENGINEERS INC.

12100 West Center Road • Suite 803 • Omaha, Nebraska 68144-3970
Phone: 402-399-8552

RESOLUTION NO. 2022 – 54

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, to date, the City of Valley has incurred certain costs in connections with the design, engineering, bidding and/or overseeing the construction of the Public Infrastructure Improvements (West Street Pumping Station) in the amount of Five thousand five-hundred twenty-three dollars and $\frac{7}{100}$, (5,523.07); 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; and said request is supported by Invoice No. 03-21-42.

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 City of Valley the sum of Five-thousand five-hundred twenty-three dollars $\frac{7}{100}$ (\$5,523.07) for costs incurred in connection with the design, engineering, bidding and/or overseeing the construction of the Falcon Business Park West Street Pumping Station.

PASSED AND APPROVED THIS 11th DAY OF OCTOBER, 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

PAYMENT DUE UPON RECEIPT

September 12, 2022

INVOICE NO. 03-21-42

CITY OF VALLEY
Attention: City Clerk
P.O. Box 682
Valley, Nebraska 68064

Re: Valley, Nebraska
West Street Pumping Station Equipment
OPCE Project No. 21-42

For ENGINEERING SERVICES provided to the City of Valley for the period from October 31, 2021 to August 31, 2022 for the West Street Pumping Station project:

1. Construction Observation (90% Complete)	\$ 5,400.00
Less Previously Invoiced:	<u>0.00</u>
Net Due:	5,400.00
2. Reimbursable Expenses	<u>123.07</u>
Total:	\$ 5,523.07

TOTAL AMOUNT DUE THIS INVOICE: \$ 5,523.07 *

paid by City

9-21-22

CK # 53279

** To be Reimbursed by BKM.*

By: _____

James J. Olmsted
James J. Olmsted, P.E.

PLEASE RETURN A COPY OF INVOICE WITH PAYMENT

OLMSTED & PERRY CONSULTING ENGINEERS INC.

12100 West Center Road • Suite 803 • Omaha, Nebraska 68144-3970

Phone: 402-399-8552

ORDINANCE NO. 778

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 TRANSITIONAL AG (TA) TO R-3 LAKEFRONT RESIDENTIAL AND C-3 HIGHWAY COMMERCIAL AS FOLLOWS:

Still Water Lake Lots 1 through 364 (but excluding Lots 151, 203, 202, 244, 302, 303, 1, 2 and 340 through 364) and Outlots A through J, shall be rezoned from C-3 Highway Commercial District to R-3 Lakefront Residential District

PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. That the Mayor and City Council of the City of Valley, Douglas County, Nebraska proposed amendments to the Zoning Regulations of said City, which proposed amendments were duly submitted to the Planning Board of Valley, Douglas County, Nebraska, for its recommendation. The Planning Board recommended that the proposed amendments be adopted.

Section 2. That the notices of hearing before the Planning Board and Governing Body of such proposed amendments were duly given by posting and publication at least ten (10) days prior to the hearings as provided by law and that public hearings were had thereon.

Section 3. That the Zoning Regulations of Valley, Douglas County, Nebraska, be and hereby are amended as follows:

THAT THE FOLLOWING PROPERTY IS REZONED FROM TRANSITIONAL AG (TA) TO R-3 LAKEFRONT RESIDENTIAL AND C-3 HIGHWAY COMMERCIAL AS FOLLOWS:

Still Water Lake Lots 1 through 364 (but excluding Lots 151, 203, 202, 244, 302, 303, 1, 2 and 340 through 364) and Outlots A through J, shall be rezoned from C-3 Highway Commercial District to R-3 Lakefront Residential District

A copy of such tract is attached hereto and made a part hereof by reference.

Section 4. That the Zoning Map of the City of Valley, Douglas County, Nebraska, be hereby amended to reflect the herein described changes.

Section 5. That this Ordinance shall take effect and be in force after its passage and approval, as provided by law.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED this 11th day of October, 2022.

CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA

Cindy Grove, Mayor

ATTEST:

Cheryl K. Eckerman, City Clerk

Change Order No. 1

Owner:	<u>City of Valley, Nebraska</u>	Owner's Project No.:	<u>1</u>
Engineer:	<u>EAGLE ENGINEERING GROUP</u>	Engineer's Project No.:	<u>22-50</u>
Contractor:	<u>NL&L Concrete Inc.</u>	Contractor's Project No.:	<u>1</u>
Project:	<u>Condron Street Paving Improvements</u>		
Contract Name:	<u>Condron Street Paving Improvements, Valley, NE</u>		
Date Issued:	<u>October 5, 2022</u>	Effective Date of Change order:	<u>October 11, 2022</u>

The Contract is modified as follows upon execution of this Change Order:

Description:

Extend project completion dates

Attachments: *[List documents supporting change]*
None

Change in Contract Times
[State Contract Times as either a specific date or a number of days]

Change in Contract Price

Original Contract Price: \$ <u>155,349.00</u>	Original Contract Times: Substantial Completion: <u>September 20, 2022</u> Ready for Final Payment: <u>September 30, 2022</u>
Increase [Decrease] from previously approved Change Orders No. - to No. - : \$ <u>0.00</u>	Increase [Decrease] from previously approved Change Orders No. - to No. - : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u>
Contract Price prior to this Change Order: \$ <u>155,349.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>September 20, 2022</u> Ready for Final Payment: <u>September 30, 2022</u>
Increase [Decrease] of this Change Order: \$ <u>0.00</u>	Increase [Decrease] this Change Order: Substantial Completion: <u>30</u> Ready for Final Payment: <u>30</u>
Contract Price incorporating this Change Order: \$ <u>155,349.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>October 20, 2022</u> Ready for Final Payment: <u>October 30, 2022</u>

Recommended by Engineer (if required)

Accepted By Contractor

By: _____
Title: Project Engineer
Date: 10/5/2022

By: _____
Title: _____
Date: _____

Authorized by Owner

Approved by Funding Agency (if applicable)

By: _____
Title: Mayor
Date: 10/11/2022

By: _____
Title: _____
Date: _____

It is our honor to cordially invite you and a guest to our 2022 Cities of Valley and Waterloo Appreciation Dinner at Valmont Industries.

We would like to thank you for your devoted time and effort in assisting us with many calls for service, training, and guidance.

Date: Wednesday, November 9th, 2022

Time: 7:00pm – 8:00pm

Location: Valmont Industries Welcome & Learning Center, 28800 Ida Street Valley, NE.

Please R.S.V.P. to James Kirlin by October 29th, 2022 at 402.212.2435 or james.kirlin@valmont.com

