

MINUTES
Regular MEETING
September 8, 2026

1 and 2. **Call to Order and Roll Call** Immediately following the Budget and Tax Request Hearings, Council President Hayden called the meeting to order. Present were Council Members J. Lewis, Dean, Socha, and Hayden. Also present: City Attorney Matt Munderloh, City Administrator Mike Gorman, Clerk Christie Donnermeyer, and Deputy Clerk Jon Barnhart. Absent: Mayor L. Lewis.

Council President Hayden noted the location of the open meetings act and stated one copy of all reproducible written material to be discussed at this meeting is available for examination or copying.

3. **Pledge of Allegiance** the Pledge of Allegiance was recited.

4. **Proof of Publication** the Proof of Publication was on the council desk.

5. **Visitors/Correspondence** No one spoke

6. **Approval of Agenda** Council member J. Lewis moved to approve the agenda. Socha seconded. YES: Socha, Dean, J. Lewis and Hayden. NO: No one. Motion carried.

7. **Consent Agenda** Council member Dean moved to approve the consent agenda. J. Lewis seconded. YES: Hayden, Socha, Dean, and J. Lewis. NO: No one. Motion carried. Items on the consent agenda were: August 10, 11, 17, and 24, 2026 City Council meeting minutes; Treasurer's Report, August Payroll \$110884.64 & IRA \$3597.96; Keno Receipts \$6020.18; PeopleService Report; Minutes and/or statistics of the following boards and/or committees: August Library statistics; July 21, 2026 Planning Commission minutes; Special Designated Liquor license applications from Valley Veteran's Club for fundraisers on Jan. 16, Feb. 20, Mar. 20, April 17 May 17, and June 19, 2027; and the following bills: **Services/Utilities/Insurance:** Aflac \$222.66; American Legal \$60.00; Bamboo \$434.61; Bishops \$16748.00; BCBS \$27540.44; Black Hills Energy \$501.02; Creative Planning \$15000.00; DataShield \$99.64; DC Environmental Services \$1001.00; Eagle Engineering \$89660.14; DC Treasurer \$100.00; FiveNines \$7287.75; FP Finance \$652.95; Fremont Dept Utilities \$79835.74; Goosmann Law \$5750.00; Great Plains Comm \$1098.59; Lien Termine \$95.00; NE Library Assn \$825.00; Guardian \$3449.29; Michael Matzen \$825.00; Morgan White \$1155.70; NE Sweeping \$4650.34; OPPD \$22521.93; PeopleService \$36112.00; The Daily Record \$400.67; Vrba \$13150.50; Verizon \$926.99; Waste Connections \$464.01; Waters Edge Aquatic Design \$15840.00; West-E-Con \$4875.00; Widhelm, J \$390.00; Wiese Plumbing \$2933.00; Window Pro \$160.00; Woodhouse Ford \$1892.76; Workplace Screening \$70.20; Xpress \$1157.17; YMCA \$30.00; **Supplies/Equipment:** Ace Outdoor \$260.16; Amazon Bus \$5861.27; Arps \$5588.75; Bauer Built \$323.35; Bert Gurney & Assoc \$125295.00; Bomgaars \$239.88; Bound to Stay Bound \$282.82; Cappel Auto \$105.95; Cintas \$447.19; Core & Main \$6466.30; Demco \$578.01; Embroidery Connection \$341.50; Everett's Auto \$158.58; Great Plains Uniforms \$374.97; Helena Agri \$218.00; Host Coffee \$85.64; In Extremis Tactical \$3040.00; Indra Inc \$3350.00; Jetco \$77624.41; J D Financial \$66.13; Library Furniture \$1887.85;

Love's \$1987.68; Menards \$159.88; NE Humane \$35.00; NMC \$727.70; One Office Solutions \$320.00; Premier Body Armor \$697.48; Security Fence \$4215.00; Valley Ace Hardware \$27.72; Waterloo Landscape \$200.00; Young's Service Inc. \$285.00; **Bond/Loan/TIF Payments:** First Nat Bank \$85053.87; BOK Financial \$115823.75; BOK Financial \$132755.00; Mallard \$353975.87; Bluewater \$1216968.91; **Reimburse/Refund:** Bishop M \$995.45; Breasch, H \$150.00; Charles Thomas Homes \$150.00; Dreamscape Homes \$500.00; Kelley, A \$573.48; Landmark Performance \$150.00; Durham & Hertz \$78.69; Sierra Homes \$581.29; Sookram, R \$123.90; Spilinek, B \$18.48.

8. **DC West Student Council** Jim Knott, DC West principal, addressed council regarding the request for the street closures for the DC West Homecoming parade. Council member J. Lewis moved to approve the request. Socha seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried.

9. **LARM** The term was determined during the August Council meeting but not the deductible. Council member Dean moved to approve a deductible in the amount of \$5,000.00 for property, E & O, EPLI and law enforcement liability, and \$2,500 work comp, general liability, auto liability, auto physical damage and commercial property. J. Lewis seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried.

10. **Creative Planning** Council member J. Lewis moved to approve advisory services for the 2026 audit preparation and services for implementation consulting and support for migration to Edmunds GovTech. Dean seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried.

11. **Bland & Associates** Council member J. Lewis moved to approve services for the 2026 audit. Socha seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried.

12. **Ordinance No. 855 Annual Appropriations Bill** AN ORDINANCE OF THE CITY OF VALLEY, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY FOR FY2026-2027; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. Council member J. Lewis moved to introduce Ordinance No. 855 on the first reading. Dean seconded. YES: J. Lewis, Dean, Socha and Hayden. NO: No one. Motion carried. Said Ordinance was then read by title and thereafter Council member J. Lewis moved that the statutory rule requiring reading on three different days be suspended. Dean seconded the motion to suspend the rule and the following council members voted YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. The motion to suspend the rule was adopted and the statutory rule was declared suspended for the consideration of said Ordinance. The Council President then declared the Ordinance adopted. A true, correct, and complete copy of said Ordinance is on file at City Hall.

13. **Resolution No. 2026-35** Council member Socha moved for passage of Resolution No. 2026-35 setting tax request. J. Lewis seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried. A true, correct, and complete copy of said Resolution is on file at City Hall.

14. Resolution No. 2026-36 City Attorney Munderloh addressed Council to explain the requested changes from the Douglas County Election Commission to the previously requested ballot wording. Council member J. Lewis moved for passage of Resolution No. 2026-36 ratifying the proposed modifications from the office of the Dougals County Election Commission to the question the City Council directed placed on the November 3, 2026, general election ballot. Socha seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried. A true, correct, and complete copy of said Resolution is on file at City Hall.

15. Casey's Retail Company Council President Hayden opened the public hearing. No one spoke. The public hearing was closed. Council member Dean moved to approve the Class D liquor license and manager application. Socha seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried.

16. Tim Lowndes City Engineer Perry addressed council regarding the request of the applicant to change the zoning from C-1 to C-2 for a bar and grill and the potential to improve pedestrian mobility. Council President Hayden opened the public hearing. Tim Lowndes 841 Freedom Ridge Road, Yutan addressed council with an overview of the plans for the bar and grill and the need for the zoning change to accommodate parking. The public hearing was closed. Council member Dean moved to approve the application to change zoning from C-1 to C-2 for a bar and grill. Socha seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried.

17. Howard Kucera, Carol A. Wiggins, Bily Hirschman and Beau Gratton Council President Hayden opened the public hearing. No one spoke. The public hearing was closed. Council member Dean moved to approve the applications to change zoning from C-1 to C-2. J. Lewis seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried.

18. Breakwater LLC City Engineer Perry addressed council regarding the applicant's request for a conditional use permit for the purpose of allowing construction of office buildings, warehouse, fleet maintenance, outdoor material storage, concrete, asphalt, soil recycling, and tree/mulch processing. Council President Hayden opened the public hearing. Matt Bevington 25404 Bennington Road reviewed the plans for the new corporate complex and amenities. He discussed the benefits the project will have for the City and is not requesting TIF. Jim Swoboda, 25850 State St., is opposed to the development. His concerns are location and the negative impact on surrounding properties; increased traffic and a decrease in property values. Debbie Plambeck, 13515 N. 240th St., is opposed to the development. She read the email she sent to Planning Commission in opposition to the development. She requested the Council deny the application. Tannaz Plambeck declined to give her address citing employment reasons. She is opposed to the development because she believes the development is industrial and not commercial and a conditional use permit is not the correct avenue for approval. She also asked if approving the conditional use permit effectively allows industrial activity on agricultural land without the rezoning the process; what independent analysis has been done to determine compatibility with surrounding agricultural and residential uses; is the Council relying solely on the applicant's self-serving submitted materials for dust, noise, and traffic impacts; she asked if the impact reports are current for the location; and what is the process for revoking the conditional use permit. She also questioned the family relationship between the applicant, mayor and council member. City Attorney Munderloh addressed the relationship question stating the council member contacted the

League along with the Political Accountability and Disclosure Commission, who both shared the same opinion of no conflict of interest because the council member in question would not personally benefit from the development. Laura Troy, 25302 State St., addressed Council and urged a no vote on the conditional use permit. She discussed her frustration with the Planning Commission's lack of consideration of the community's concerns. Eric Hanson, 2825 Ida Circle, addressed Council and spoke in support of Mr. Bevington and his operations. Shelby Ludholz, 12303 N 264th St., addressed Council and read an email she sent to council members. She asked to slow down the process and noted her opposition to the proposed development's location. Chad Camenzind, 28505 State St., addressed Council and opposes the conditional use permit. He discussed how the location is not big enough for the project, the expansion will negatively impact neighboring properties. He discussed potential flooding issues, contamination, and mitigation measures. As well as traffic concerns because there are no shoulders along 252nd Street. Lynn Plambeck, 13515 N 240th St., addressed Council and discussed flooding along the Elkhorn River. He referenced Nebraska Law State Statute 31-201 and 31-445 regarding water flow. Chris Karnes, 13055 N 264th St., addressed Council regarding past instances of flooding along 252nd Street. He expressed his opposition to the proposed development. Joe Flaxbeard, Civil Engineer for Lamp Rynearson, 14710 W. Dodge Road, addressed Council regarding the traffic concerns expressed about 252nd Street and Potter Road and the development team's commitment to improvements. He discussed current traffic studies presented for review by the City and Douglas County. He addressed the concerns voiced about elevation. He noted FEMA's flooding designation for the area and the requirements needed before any building permit is issued. Chuck Phillips, 8434 N 252nd St., addressed Council and discussed the negative impacts of flooding from the proposed development. Susan Randall, 9990 N 264th St., addressed Council and expressed her opposition to the proposed development. She noted her issue with the location and discussed flooding and air quality control issues. Ryan Plambeck, 13515 N 240th St., addressed Council noting his opposition to the project. He discussed other locations that could accommodate the project. Cassie Watyer, 10707 N 252nd St., addressed Council and discussed the impact of flooding. She commented on what kind of legacy Valley would like to leave. She discussed the reasons for people moving to Valley and the new developments. She noted traffic concerns because of all the developments and suggested other locations would be better for the proposed development. Mr. Bevington addressed property value concerns. He also talked about the history of industrial coexisting within the community. He discussed receiving 10 letters in support of the project, one from Joe Greco, the executive director of EAA, First Interstate Sports Complex. Council President Hayden closed public hearing. Council member Dean inquired about the concrete grinding and chemicals. Mr. Bevington explained the oversight of the operation by the Nebraska Department of Environment and Energy and OSHA. He stated they spray water for dust control at their current location. He also discussed other control measures used to mitigate any negative impacts. Council member J. Lewis addressed the conflict-of-interest concern regarding his relationship with Matt and Lisa Bevington, and the steps he took to address it. Council member Socha moved to approve Breakwater LLC (Valley Corp) application for conditional use permit for the purpose of allowing construction of office buildings, warehouse, fleet maintenance, outdoor material storage, concrete, asphalt, soil recycling, and tree mulch processing. Dean seconded. YES: Hayden, Dean, Socha. Abstain: J. Lewis. NO: No one. Motion carried.

19. Valley Corporation (MLCT Bevington) City Engineer Perry provided an overview of the preliminary plat. Council President Hayden opened the public hearing. Joe Flaxbeard, Civil

Engineer for Lamp Rynearson, 14710 W. Dodge Road, addressed Council and was willing to answer questions. Jim Swoboda, 25850 State St., addressed Council and asked the members why they would approve the proposed development after hearing the community opposition. Council President Hayden stated she sees the development as an asset to the community. Council member Dean stated his reasons for supporting the development. Mr. Swoboda also voiced his concerns regarding future flooding issues. Council member J. Lewis abstained from voting but stated his reasons for supporting the development. Mr. Swoboda noted his disappointment. Laura Troy, 25302 State St., addressed Council and stated no facts had been shared with the public. She requested a need for higher standards for the layout regarding noise and light pollution control. She noted her disappointment with Council's decision. Council member J. Lewis asked for clarification of the platting process from City Engineer Perry. City Engineer Perry explained the process. He also discussed the light pollution concern and that same would be addressed during the building permit process. Council member Dean asked about the landscaping and City Engineer Perry clarified the process. Council member Dean asked Mr. Bevington whether there was more he could do regarding landscaping the project to minimize the project's impact. Council President Hayden closed public hearing. Council member Dean moved to approve the preliminary plat submitted by Valley Corporation (MLCT Bevington). Socha seconded. YES: Hayden, Dean, Socha. Abstain: J. Lewis. NO: No one. Motion carried.

20. City Engineer

City Engineer Perry addressed council regarding the certificate of substantial completion for the specified portion of the water treatment plant expansion. Council member Dean moved to approve the certificate of substantial completion for the specified portion of the water treatment plant project. J. Lewis seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried.

Council member Dean moved for passage of Resolution No. 2026-37 approving contractor's application for payment no. 3 in the amount of \$163,689.96 from Vrba Construction for FY26 water main replacement project. J. Lewis seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried. A true, correct, and complete copy of said Resolution is on file at City Hall.

Council member J. Lewis moved to approve change order number 2 for an adjustment to contract time for Champion Shores' sanitary sewer, storm sewer, and water main improvements. Socha seconded. YES: J. Lewis, Dean, Socha, and Hayden. NO: No one. Motion carried.

Council member Dean moved for passage of Resolution No. 2026-38 approving contractor's application for payment no. 1 in the amount of \$225,019.50 from Vrba Construction for Champion Shores dewatering to be paid by the developer. J. Lewis seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried. A true, correct, and complete copy of said Resolution is on file at City Hall.

City Engineer Perry gave status updates on FY27 water main replacement project and the One- and Six-Year street plan.

21. **City Administrator** City Administrator Gorman addressed council with plans to retain an independent company to investigate the water system pressure loss over the weekend of August 22, 2026. He also noted the second survey for the city swimming pool is available online for residents to complete.

22. **PeopleService** Mike Adair addressed council regarding the water treatment plant incident over the weekend of August 22, 2026 and the issues leading up to the loss of water/pressure. He welcomes the independent investigation and is hopeful the investigation will help to gain trust back.

23. **Police Department** Chief Kelly addressed council regarding the state of the body and curser cameras. The department is currently applying for a grant to help with the cost of replacing all body and curser cameras currently not working. The department is also looking for grants to replace ageing AEDs.

24. **Building and Zoning** Building Inspector Evans reported that he had performed the final inspection on the water plant expansion and passed same.

25. **City Attorney** City Attorney Munderloh had nothing to report and stated he would entertain any questions.

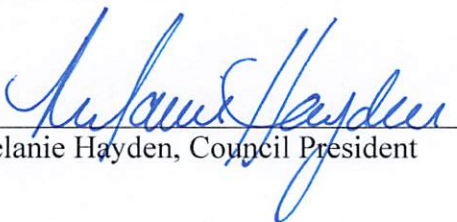
26. **Mayor's Report** the Mayor was absent from the meeting because of recovery from surgery.

27. **Upcoming Items** Planning Commission Sept. 15 at 4:30 p.m.; DC West Homecoming Parade Sept. 18, 20256 at 12:45 p.m.

28. **Executive Session** Council member Socha moved that the Valley City Council go into executive session for the purpose of discussing threatened litigation. J. Lewis seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: no one. Motion carried. The closed session commenced at 9:09 p.m.

Council member Dean moved to reconvene the meeting in open session. J. Lewis seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: no one. Motion carried. The meeting reconvened in open session at 9:44 p.m.

29. **Adjourn** Council member J. Lewis moved to adjourn. Socha seconded. YES: J. Lewis, Socha, Dean, and Hayden. NO: No one. Motion carried. Meeting adjourned at 9:45 p.m.


Melanie Hayden, Council President


Christie Donnermeyer, City Clerk