

City of Valentine  
Special Council Meeting  
City Library Meeting Room  
April 15, 2003

A special meeting of the City Council of the City of Valentine, Valentine, Nebraska was held April 15, 2003, at 6:30 p.m. in the Valentine City Library Meeting Room, the same notice of meeting being posted in three public locations on April 8, 2003. An agenda packet was available at the public information table.

The Council recited the Pledge of Allegiance at this time.

#### **1. MEETING CALLED TO ORDER**

Chairman of the Council, Balliet, presided at the meeting with the following Council members in attendance: Balliet, Neujahr, Nelsen, Rhoades and Nieuwenhuis. Also in attendance were City Manager New and City Attorney Coupland. City Clerk Hanzlicek recorded the minutes. This meeting was called at the written request of the Council President.

Based on discussion from the Solid Waste Agency meeting of April 7, 2003, the rate structure of the landfill was discussed. A study is being conducted by Olsson Associates on the rates and Jess Hurlbert was in attendance to address the Council.

Mr. Hurlbert presented a report to the Council on a review of the rate structure for the landfill. The report has not been completed because the Council and the Solid Waste Agency need to make some decisions regarding operations of the services and the facility before a meaningful report can be prepared.. The report reviewed was faxed to the City on 4/15/03 and is on file at city hall.

Approximately 56% of the residential users are recycling. The landfill garbage rates were established in 1994 and since that time Perrett Environmental has received a 5% raise and a 2% raise. The City of Valentine absorbed the rate increases without passing it on to the customer. Perrett Environmental is currently receiving 62% of gross revenue. It is estimated that if the contractor receives a 10% increase as requested, the expenses would be higher than the revenue if the customer rates and services were to remain the same.

Some options of the city would be to cut back on services, keep the recycling operation but do not reduce the customer billing (discontinue the rebate) or the City could operate the collection system. With the obligations that the City of Valentine is responsible for, the City needs to control what goes to the landfill and they need to get a handle on the revenue. If the City does not have control then they would not have the necessary cash flow to make the payments. This report was preliminary and not final.

Hugh Wilber was in attendance and requested that a free dump day be made available more often to the public because people do not want to pay to dispose of their items. This would allow for a better looking community. If the old dump was more accessible, then people would not put items in the dumpster that was meant for the old dump.

Brian Perrett suggested that the general public needs to be educated on landfill issues and that everyone should pay for what they dispose of. The City Manager has the authority to level fines for illegal dumping and this should be enforced to help deter this problem. Mr. Perrett offered the use of his employees to make the landfill more accessible to the public if the City would pay for his labor cost. There should not be any free dumping because there are expenses associated with the operations of the old landfill.

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Having a free dump day does clean up the town and the people who do not want to pay for these services stockpile their trash and then dispose of it. Perrett Environmental driver has told him that more junk is being stored in the alleys and it is beginning to be a problem. There have been problems with illegal dumping of construction waste in the dumpsters. Fines need to be assessed against this type of activity. This type of waste needs to go to the old landfill and should not be placed in the community dumpsters.

## **2. REVIEW/DISCUSSION OF FRANCHISE ORDINANCE**

Councilmember Balliet noted that this item was reviewed at the Solid Waste Agency meeting. The Council reviewed this Ordinance and there was no additional information available. City Attorney Coupland suggested that the agreement should be changed to a contract. Landfill permits should be regulated and the Solid Waste Agency has total control over who goes in and out of the landfill and what they pay. Laws need to be further reviewed but haulers that pick up waste in Valentine may need to provide waste reduction and recycling under the federal law and state law. Yard waste disposal is also an issue. If an independent haulers was required to demonstrate that they were recycling and separating construction waste from household waste then they would have to set up their own system or contract with Perrett for this service.

## **3. REVIEW/DISCUSSION/ACTION ON CITY OF VALENTINE RULES AND REGULATIONS, OPERATIONS AND MANAGEMENT:**

- a) permit process and regulation
- b) fees and rates
- c) yard waste
- d) other related items

City Attorney Coupland stated that there should be a layered billing structure in that political subdivisions should have 1 rate structure and other contractors should have another rate. An access fee and a tonnage fee should be charged if garbage is hauled in by someone other than a political subdivision or contract hauler. Haulers should be permitted in four categories: household waste, construction waste, hazardous waste and asbestos. The use of dumpsters and illegal dumping restrictions need to be enforced. If an illegal dumping of waste is found then that load should not be dumped and it should be investigated further. Construction waste is not suppose to go into the dumpsters and the carpenters know this. There have been cases where illegal dumping is being done in several dumpsters so that it is tougher to detect if an illegal load exists.

The problem with the existing franchise agreement is that it contains a mixture of franchise and contract legal language which leads to confusing. A true franchise would be where someone would pay the city to do business within the city, such as the cable TV system. We have a contract situation whereby the city now pays Perrett Environmental for services. If someone were to pick up garbage in Valentine and haul it to another landfill site then the Valentine site would be in financial trouble. We cannot require the hauler to go to our landfill.

Brian Perrett is discussing contracts with 3 communities now in an attempt to increase the volume at the Valentine landfill. Councilmember Balliet stated that when the landfill was being developed in "our backyard", we had other communities interested in bringing their trash here but they wanted to sit on the Solid Waste Board. This would have taken away the local control of the City of Valentine on the operation of the facility.

Councilmember Nelsen noted that recycling may be costing more than what it is worth but it is an attempt to save our natural resources and we need to keep recycling and option within our community. There are other options available to a recycling program such as color codes garbage cans or bags. A block chairman could be designated to pick up the recycling of the elderly. There is a waste reduction requirement imposed on Valentine by the DEQ which is another reason why the recycling program needs to remain.

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Brian Perrett has requested an increase of 10% in what he is receiving from the gross billing. He would be willing to accept less than this amount though. City Manager New stated that currently the City of Valentine is doing the billing for the garbage service. If there is more than one hauler then the haulers will have to do the billing. It would be more efficient if the City were able to do the billing because of the control factor.

Brian Perrett stated that Perrett Environmental is the lowest paid garbage contractor from Chadron to St. Paul in review of 12 haulers. None of the other haulers pick up yard waste and not one of them has a recycle center.

City Manager New noted that Lincoln has a separate yard waste pick up fee from their normal household rate. The yard waste fee is on top of the household fee and the customer pays them both during the designated time period. Our yard waste fee is included in the \$19 we charge. Brian Perrett stated that if you take yard waste out of the contract that you would not be able to control it. Councilmember Neujahr suggested that Valentine have a summer and winter rate for garbage fees, for the summer rate to include yard waste for everyone.

Brian Perrett suggested that yard waste be in either bags or cans that are specifically marked. It should be limited to 3-35 gal. containers. Bags are convenient for people but the plastic bag disposal poses a problem for them. He would prefer that yard waste be in cans instead of bags. The yard waste pick up dates should coincide with the state requirement which is April 1 to November 30. An option would be for to raise the rates during the summer time for the yard waste service provided. The yard waste service need to remain.

Composting of the yard waste could be improved by grinding the grass clippings. Proper equipment is also needed to turn the piles. Added moisture would help in the composting process also. Vegetative soil is needed to cap the new landfill cell. Maybe some of the compost pile could be used for this.

Originally when a garbage fee was established it was determined that all inhabited dwellings and businesses generated garbage and were charged a fee. This was also to help control the illegal dumping of garbage by people who were not being charged. The problem still exists today of illegal dumping of garbage in Valentine and it needs to be controlled. If we have more than 1 hauler then how would this be controlled? The use of dumpsters have cleaned up the neighborhoods but has made for illegal dumping to take place. A city may be able to limit itself to 1 hauler and 1 contract but legal decisions need to be reviewed. The solid waste flow can be structured. It is our responsibility for the health, safety and welfare of the public and garbage has been a government function for many years.

Councilmember Balliet stated that we need to make sure that we maintain enough money to operate the landfill. It is not a matter of who is hauling, but how it is being paid for. Gregg Perrett stated that the garbage business should be kept local. If you have more than 1 hauler then Waste Connection will come in and they will not dump the trash in the Valentine landfill. City Attorney Coupland stated that Valentine previously had an occupation tax on several different services and maybe garbage hauling could be one of them. The City cannot control where the garbage is taken but to mandate that it goes to a certified landfill.

A quick review was made. Everyone should be required to get new waste hauling permits. The existing ones should be canceled and the process started over. There are special handling requirements for asbestos.

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Fees and rates need to be increased. The rates will probably increase now and again in 2005. The projected rate increase would be 3%-5%. Rates should be gradually increased instead of having one large increase. If the garbage service was put out for bid, there is a concern that a large firm would come in and the City of Valentine would lose control of the landfill and related services. All of the factors that are required to do a rate study have not been ascertained yet.

Yard waste services should continue for the public. The months of service should be extended from April 1 to November 30 as per state requirement.

The City of Valentine employees did the tree chipping service last year. They went through the alleys once a month. Brian Perrett suggested that his employee go with the city crew to spot the piles of branches because customers tend to hide these piles. A citizen complained that the clean up of the tree chipping was not done very well last year.

Councilmember Rhoades asked about the non city customers who use the landfill. If these non customers use any of the city services then they will be responsible for paying the city fee. It is up to the customer to prove to the City of Valentine that they are legally disposing of their solid waste. Councilmember Nelsen noted that the City of Valentine does have the option of being the trash hauler and going into this business.

A Material Recovery Facility could be established to reduce the amount of garbage taken to the landfill. This would be taking raw garbage and sorting it out before going to the landfill. This is labor intensive, is not a pleasant job and requires a large area in which to do this.

A Free Dump Day has not been designated at this time. There may be some extended hours of service but it may not be free. Information will be provided next week. When this is done the items need to be sorted and go to the proper location within the landfill. The City of Valentine also has to pay a disposal fee on some of the items that it receives. The City Manager does not want to do this on the weekend for overtime purposes. People from throughout Cherry County and South Dakota bring items in during the free dump day and the City of Valentine is absorbing the disposal fees. The public needs to know that there is no free garbage disposal. Freon disposal is now being regulated and it all needs to be discharged before going to the landfill.

**4. REVIEW/DISCUSSION/ACTION ON SETTING THE NEXT MEETING DATE OF THE VALENTINE SOLID WASTE AGENCY**

Not much more information will be available for the meeting on 4/21/03. The City Attorney will concentrate on the Council jurisdiction on the matter. Don Nelsen made the motion to have a meeting on May 6, 2003 at 6:30 p.m. to meet as the Solid Waste Agency. Second by Pat Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**4. MEETING ADJOURNED**

With no further business before the Council, Don Nelsen made the motion to adjourn. Second by Burnell Nieuwenhuis. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

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President of Council

I, the undersigned City Clerk of the City of Valentine, Nebraska, hereby certify that all of the subjects including the foregoing proceedings were contained in the agenda for the meeting; kept continually current and available for public inspection in the office of the City Clerk; that such subjects were published in the Midland Newspaper; that said minutes were written and made available April 21, 2003.

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John Hanzlicek-City Clerk