

City of Valentine
Regular Council Meeting
City Library Meeting Room
April 21, 2003

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held April 21, 2003 at 7:00 p.m. in the Valentine City Library Meeting Room, the same notice of meeting being published in the Valentine Midland News. All of the proceedings hereafter shown were taken while the meeting was open to the public. A Public Information Council Agenda packet was available at the public information table.

PLEDGE OF ALLEGIANCE

The Council and those in attendance recited the pledge of allegiance.

1. MEETING CALLED TO ORDER

Vice-chairperson of the Council, Neujahr presided at the meeting with the following Council members in attendance: Neujahr, Nelsen, Rhoades, Nieuwenhuis. Absent-Balliet. Also in attendance were City Manager New and legal representative Coupland. City Clerk Hanzlicek recorded the minutes.

2. CIVIC GROUP RECOGNITION:

- a) **Junior members of Leo Brinda Unit 90 American Legion Auxiliary**
- b) **Lion's Club**

Danielle Epke, Sonny Rosfeld and Virginia Nelsen were in attendance to report on the activities of the junior members of Leo Brinda Unit 90 American Legion Auxiliary. The group consists of members from the ages of 7-14. They are involved in various correspondence activities with members in the armed forces. They have sent goody boxes to local people involved in the military. Their list includes approximately 33 local people. These boxes offer our veterans a little something from home.

Harry Spall was in attendance to report on the activities of the Lion's Club. They have conducted fund raising activities for various local residents and have contributed to high school scholarships. They put on the fishing derby which is touted as one of the best in the state. They have done highway clean ups and have contributed to various national projects.

3. CONSENT AGENDA

Councilmember Nelsen made the motion to approve of consent agenda items #4, 5, 6, 7, 8 and 9 as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

4. *REVIEW OF VARIOUS BOARD MINUTES:

- a) **Planning Commission meeting of April 7, 2003**
- b) **Library Board meeting of March 4, 2003 and April 1, 2003**
- c) **Cemetery Board meeting of March 10, 2003**
- d) **Airport Zoning Board meeting of February 7, 2003**
- e) **Solid Waste Agency meeting of April 7, 2003 and April 15, 2003**

Councilmember Nelsen made the motion to acknowledge review of the Library Board, Cemetery Board, Airport Zoning Board, Solid Waste Agency and Planning Commission minutes as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Absent-Balliet. Motion carried.

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5. ***APPROVAL OF THE MARCH 17, 2003 REGULAR COUNCIL MEETING MINUTES
AND THE APRIL 15, 2003 SPECIAL MEETING MINUTES**

Councilmember Nelsen made the motion to approve of the City Council minutes from the regular meeting of March 17, 2003 and the special meeting minutes of April 15, 2003 as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Absent-Balliet. Motion carried.

6. ***APPROVAL OF THE MARCH 2003 RECEIPT REPORT** **\$419,105.43**

Councilmember Nelsen made the motion to approve of the March, 2003 Receipt Report in the amount of \$419,105.43 as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Absent-Balliet. Motion carried.

7. ***REVIEW OF THE MARCH, 2003 FINANCIAL REPORTS**

Councilmember Nelsen made the motion to acknowledge review of the March, 2003 financial reports. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Absent-Balliet. Motion carried.

8. ***REVIEW/DISCUSSION/ACTION ON PASSAGE OF ARBOR DAY PROCLAMATION**

Councilmember Nelsen made the motion to adopt the following proclamation:

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, WALLACE BALLIET, EX-OFFICIO MAYOR of the City of Valentine, do hereby proclaim the last Friday in April of every year as

ARBOR DAY

in the City of Valentine, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

9. ***REVIEW/DISCUSSION/ACTION ON THE PASSAGE OF A RESOLUTION TO PLACE
STOP SIGNS AT THE FOLLOWING LOCATIONS:**

- a) First Street and Macomb Street
- b) "B" Street and Thacher Street

Councilmember Nelsen made the motion to adopt the following Resolution:

WHEREAS, Section 5-214 of the Valentine Municipal Code (1977) provides that the City may, by resolution, provide for the placing of "STOP" signs in any street or alley for the purpose of regulating traffic thereon.

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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF VALENTINE, NEBRASKA, that it is in the best interest of the safety of all concerned that "STOP" signs be installed at the following locations to regulate traffic on the below described streets:

1. A stop sign placed on Macomb Street stopping the south bound traffic at First Street.
2. A stop sign placed on "B" Street stopping the east bound traffic at Thacher Street.

Said signs should be uniform traffic control signs designated as "STOP" signs.

Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades and Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

10. REVIEW/DISCUSSION/ACTION ON THE MARCH 2003 CLAIMS & PAYROLL \$741,571.50

The Council reviewed and asked questions on claims as they were presented to them. Councilmember Neujahr made the motion to approve of the Claims & Payroll as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Absent-Balliet. Motion carried.

11. 7:15 P.M. PURSUANT TO NOTICE IN THE VALENTINE MIDLAND NEWS, A PUBLIC AUCTION WILL BE OPENED AT 7:15 P.M. TO RECEIVE BIDS ON THE LEASE AGREEMENT TO OPERATE A CONCESSION STAND AT THE VALENTINE BALLFIELD COMPLEX FOR THE SUMMER OF 2003

Pursuant to notice in the Valentine Midland News, a public auction was opened at 7:15 p.m. to receive bids on the lease agreement to operate a concession stand at the Valentine Ballfield Complex for the summer of 2003. It was noted that the bid amount must be paid in full up front and the utilities are to be paid by the lease holder as well as the advertising fee. Competitive bidding was held between Dave Arnold and the Jackie Williams dba The Potato Hut. The last bid received was from the Potato Hut in the amount of \$1,100.00. The bidding was closed at 8:15 p.m..

12. REVIEW/DISCUSSION/ACTION ON THE BID RECEIVED FOR THE LEASE AGREEMENT TO OPERATE A CONCESSION STAND AT THE VALENTINE BALLFIELD COMPLEX FOR THE SUMMER OF 2003

Councilmember Nelsen made the motion to accept the high bid of \$1,100.00 from Jackie Williams dba the Potato Hut for the lease agreement to operate a concession stand at the Valentine Ballfield Complex for the summer of 2003. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

13. 7:30 P.M. PURSUANT TO NOTICE IN THE VALENTINE MIDLAND NEWS, A PUBLIC HEARING WILL BE HELD AT 7:30 P.M. TO RECEIVE COMMENTS ON THE CLASS "C" LIQUOR LICENSE REQUEST AS FOLLOWS:

**Shannon L. McDougle
dba Diamond bar
218 N Main Street
Valentine, Nebraska**

Pursuant to notice in the Valentine Midland News, a public hearing was opened at 7:34 p.m. to receive comments on the Class "C" liquor license request of Shannon McDougle, dba Diamond bar at 218 N Main Street.

City Attorney Coupland conducted the public hearing and explained the procedure of the meeting. Exhibits were offered by the City Clerk and were made a part of the records of the proceedings. Shannon McDougle was in attendance and explained his request to apply for a liquor license for an established business. No objections were received in reference to this request. The public hearing was closed at 7:40 p.m..

14. REVIEW/DISCUSSION/ACTION ON A CLASS "C" LIQUOR LICENSE REQUEST OF SHANNON L. MCDUGLE DBA DIAMOND BAR AT 218 N MAIN STREET

Councilmember Nelsen made the motion to give the license to Shannon McDougale for a class "C" liquor license, dba Diamond X Bar at 218 N Main Street as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

15. REVIEW/DISCUSSION/ACTION ON REQUEST BY WILLIAM FREEMAN ON THE INSTALLATION OF A HANDICAP RAMP IN FRONT OF THE RESIDENCE AT 428 N MACOMB STREET

Bill Freeman was in attendance requesting that a wheel chair ramp be installed in the front of his residence at 428 N Macomb Street. Mr. Freeman cited 2 cases of what he thought were wheel chair ramps located on Hall Street and Main Street. He would like a ramp out in the street so he can come out of his house and get out in the street with his wheel chair so he can get around town. When he tries to jump the curb in the wheel chair sometimes it hangs up on the curb.

He complained about the lack of snow removal from the sidewalks in his neighborhood which impedes his ability to get out and about. In conversations with officials he feels that since he is handicapped that he can have a handicap ramp.

Councilmember Neujahr cited an example in Ainsworth where an individual had a golf cart to get around town and they made him give that up because it was illegal. Mr. Freeman stated that the wheel chair is classified the same as a bicycle. Mr. Freeman stated that he would be willing to pay for all expenses on this installation of a wheel chair ramp. It would also not interfere with parking in the block.

Mr. Freeman noted that the condition of the sidewalks in his area are bad. He is not able to travel safely on the sidewalk because they are raised or broken up so much.

Don Pettigrew was in attendance and stated that the Hall Street ramp location is an old driveway that was constructed in the 1940's or 1950's. The handicap ramp on Main Street is the old driveway to the previous house before it was torn down.

Mr. Pettigrew's concern is having a wheel chair ramp in the middle of the block when you have parking on both sides of it. One can come out from behind a car and get hit by the vehicular traffic. There is an existing wheel chair ramp at 4th & Macomb Street and one will be put in on the corner of 5th & Macomb Street. It is dangerous to have a wheel chair operated in the street.

Mr. Freeman asked if he can hire someone with a sledge hammer and knock a hole in the curb, cement it in and make one for himself. He was advised that he may be cited for destruction of property. He then asked if there was a law that the sidewalks have to be in a certain condition so people can walk up and down the sidewalks instead of out in the streets. Mrs. Freeman stated that he needs to get out of the house and into the community.

Councilmember Neujahr expressed concern about getting out in the middle of the block.

City Manager New suggested that a review be done on the conditions of sidewalks and that property owners be sent notice to repair or replace them.

Mr. Freeman contacted the federal government department of the handicapped and they say according to federal law he has to have access with his wheel chair out to the street. If he goes out into the street to load it into the van he has to have that ramp. They said the city has to put the ramp in.

The Council expressed its wishes to help Mr. Freeman but it needs to be concerned about liability issues and it needs to be legal.

Councilmember Nieuwenhuis made the motion that we do some research on this to help Bill out and in the mean time we need to check the city ordinance on sidewalks and see what we can do to improve them. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

16. REVIEW/DISCUSSION/ACTION ON THE REQUESTS TO CONSUME ALCOHOLIC BEVERAGES IN THE CITY PARK FOR THE FOLLOWING:

Tracy Hand on June 15, 2003

Class of 1973-Sherri Bacon on June 27, 2003

Tracy Hand was not in attendance at the meeting, therefore, no action was taken on his request for permission to consume alcohol in the city park. This item will appear on the regular meeting agenda in May 2003.

Sherri Bacon was in attendance to represent the class. She acknowledged that she signed the application and she will receive a copy of the rules and regulations as it pertains to this request.

Councilmember Nieuwenhuis made the motion to approve the request for the Class of 1973 to consume alcoholic beverages in the city park on June 27, 2003. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Nieuwenhuis. Nay-none. Abstain-Rhoades. Absent-Balliet. Motion carried.

17. REVIEW/DISCUSSION/ACTION ON SETTING A SCHEDULE FOR THE REMOVAL OF THE BLIGHTED AND SUBSTANDARD DESIGNATION IN THE NORTHEAST PORTION OF VALENTINE

City Manager New reported that nobody really knows the proper procedure on how to undo a blighted area. Options to consider include leaving the designation as it is, removing the designation completely or to amend the designated area.

Bernard Eklund was in attendance and presented a letter from an underwriter, Suzi Dearmont. Her comments were as follows: *"There certainly could be an impact to the financing of homes in this designated area. If the comparables are also coming from this neighborhood then the impact would be relatively minor to non-existent. Thorough comments will be needed by the appraiser on any subject from this neighborhood (regarding marketability influence, affect to value, etc.). Some direct quotes from FannieMae..."The appraiser is required to address factors that affect the value and marketability of properties in the neighborhood. The appraiser must understand the value-influencing characteristics in the neighborhood and arrive at an appropriate neighborhood description and opinion of value for the property-even if this requires more extensive research for particular property types or for properties in certain geographic locations.... The lender's underwriter should review carefully the neighborhood description to confirm that the appraiser used comparables from within the subject neighborhood in his or her analysis... If an appraiser can demonstrate by market evidence that a characteristic has an effect on the value or marketability of the properties in the neighborhood or market area, he or she should consider it in the valuation process..." If comps are unable to be located within the neighborhood, the maximum amount allowed to be financed will be limited. This is a gray area that will need to be analyzed for each property and borrower."*

The City Clerk and City Attorney contacted municipalities asking the question of the impact of the designation on housing. They were not able to get anyone to admit if they had any problems regarding the value of a home, resale value or mortgaging a property. If a portion of the designated area were removed, then another blight and substandard study would be warranted to confirm the validity of the designation. If the blighted and substandard designation is rescinded completely, then would be at least 12 months before it could be reviewed again.

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Joanne Kerr was in attendance and requested that the Country Club addition be removed from this designation.

Councilmember Neujahr stated that there are parts of this designated area that need sidewalks installed or they are in poor condition. With this designation, funding sources may be available to help this problem.

The City Attorney requested time to submit this information to Kevin Siebert and others involved in these kinds of studies and have them comment on it.

Councilmember Nieuwenhuis made the motion to table this agenda item until next month. Second by Councilmember Nelsen. Discussion followed. Councilmember Rhoades stated that the biggest failure in this whole process was in the lack of education for the public. Other communities have done wonderful things with grants received in their designated areas to help improve infrastructure. The process to rescind needs to be reviewed. Whether the designation is to remain or not is yet to be seen. Councilmember Nelsen agreed with these sentiments. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

18. REPORT FROM THE CHERRY COUNTY EMERGENCY MANAGEMENT OFFICE

Eileen Brannon was in attendance and reported on the various training programs that have been offered recently and to make sure the emergency plan is up to date. Listing of resources available in the area need to be compiled and updated. Approximately 80 people attended the Hazardous Material training, there was a storm spotter training with 50 people in attendance, and incident management training for the past 2 weeks where 37 people completed all four nights. There are things that need to change in the emergency operations of the city. She would like to see more involvement in the training from the city. An evacuation plan is being worked on for the Niobrara River Corridor as well. A grant has been received from the Department of Justice for first responders. Grants are being applied for the different fire departments in the area and to improve the communication system within the county.

The Local Emergency Planning Committee is a component of the overall emergency training plan.

On May 15 from 7:00pm to 10:00pm the State of Nebraska will put on a mock disaster training at the fire hall. City Manager New requested that notices be sent to city hall. Ms. Brannon requested that a deputy from the city be designated so she can work with that person.

19. REVIEW/DISCUSSION/ACTION ON LOCATING A JAIL FACILITY IN BLOCK 10 OF ORIGINAL TOWN WITH LAWRENCE TURNER-CHERRY COUNTY COMMISSIONER

Lawrence Turner was in attendance to discuss the jail possibilities. The project should be called a city/county building because other offices will be housed in it. He would like to know the possibility of having a joint building where the city hall and old fire hall building is now. The County could compromise and have a 24 bed jail if there is not enough room. The Main Street area where city hall is located seems to be the best location.

Councilmember Neujahr suggested that the needs assessment for both entities should be presented from office space to parking. The previous attempt at this did not recognize the needs of the city.

The County would like to construct a building where the city offices are and using the county land space for parking. Due to the needs requirement, a two story building may have to be built. The courthouse and offices should remain on Main Street because they are an asset to downtown.

Other sites have been reviewed but the preferred site seems to be the city hall location. The city committee of Rhoades and Nelsen need to meet with the county personnel to work on this matter. Mr. Turner stated that with a two story building the County could have a 34 bed jail and that the court system needs to be located in it as well.

20. REVIEW/DISCUSSION/ACTION ON REQUEST FOR NEGOTIATIONS ON A DISPATCHER AGREEMENT

There is not any additional information to present to the Council at this time on the negotiations on a dispatcher agreement. City Manager New has been in contact with Sheriff Christensen but no figures are available. Research is still being done on this matter.

Councilmember Rhoades made the motion to table this item until the information is all put together. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

21. REVIEW/DISCUSSION/ACTION ON REQUEST BY THE VALENTINE CHAMBER OF COMMERCE TO ADDRESS THE COUNCIL REGARDING CRAZY DAYS, A STREET DANCE AND BEER GARDEN

Dean Jacobs was in attendance to address the Council to request to have the same type of activities they had last year reference Crazy Days, a street dance with a beer garden. Mr. Jacobs presented a map of the proposed design of the layout for the event. The beer garden would be located on the Miller Bros. parking lot between Main Street and Cherry Street. It would be enclosed with double panels, double fenced. This event would be held the first Saturday in August which would be the 2nd. The city will need to authorize the closing of Second Street. It would be the exact same set up as last year.

A possible added event would be a 3 on 3 basketball tourney for 2 days. This may require more of an area to be closed off to host this event. Could Main Street be closed off for this event?

Councilmember Nieuwenhuis made the motion to approve the Chamber request. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

22. REVIEW/DISCUSSION/ACTION ON AUTHORIZATION TO DRAFT AN ORDINANCE TO ADOPT AN OCCUPATION TAX ON MOTEL/HOTEL ROOMS

City Manager New stated that the cities of O'Neill, Ainsworth, Gordon and Chadron do not have an occupation tax on motel rooms but they do have a city sales tax. Dean Jacobs did comment that LB 726 did pass which would allow the County to authorize and additional 2% on the lodging tax to be used for capital improvement or visitor promotion. There is currently a 3% County lodging tax of which the County receives 2%.

If the city were to implement a lodging tax, the fee would be remitted directly from the motel to the city without a collection fee imposed by the state.

Mike Young asked the question of how it would be spent. City Manager New suggested that it be used at the airport to help defray taxes at the airport. A sunset provision has been suggested so that when the last runway airport improvement has been paid off then it would be stopped. It was proposed that the city would have a 2% lodging tax.

Mike Young stated that the only way it would benefit the motels by putting money at the airport is if we could land 747 out there. Now do we have a plan to do that? Dean Jacobs stated that it is minuscule compared to the whole picture in that a small percentage of people frequent the airport who are actually tourists that would stay at the motel.

City Manager New stated that the Council would not have to use it at the airport. They could use it to help defray taxes. They could use it in the police department or any other department. Councilmember Rhoades stated that if tourism is on the rise in the area and the businesses want adequate police protection, what is wrong with the use of the tax during the tourist season?

Sam Spain wanted to know why single out just the motel industry? Why not the cafes, plumbers, electricians? Don Nelsen stated that the way the economy of the United States is, everyone is hurting. He would be looking at a city sales tax as an option. Councilmember Neujahr stated that in this case the city would be getting the money from tourists and not the people who live here. This could possibly be sunset if there was a city sales tax in place. We are looking for a source of funds that would not cost our taxpayers.

Sam Spain stated that if a lodging tax were in place, then the motels in Valentine would be at a disadvantage. The campgrounds and other locations close to Valentine would not have this tax.

City Manager New stated that the Valentine airport is important according to the Nebraska Dept of Aeronautics and is a priority location. The pool and park system is also important to the City of Valentine. Councilmember Nelsen stated that when he stays at a motel he pays whatever the tax rate is on there.

The City Manager has suggested using part of the tax money collected to be used for an increase Chamber dues contribution by the city. The estimated amount of tax to be collected has been overstated because the amount of money collected by the County on their tax includes other lodging establishments in the County. A more accurate estimate needs to be calculated.

Councilmember Nelsen made the motion to table agenda item #22. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

The Council recessed at 9:24 p.m. and reconvened at 9:32 p.m..

23. REVIEW/DISCUSSION/ACTION ON PROPOSED ANNEXATION OF THE FOLLOWING:

**Part of the NE 1/4, Section 6, T33N, R27W of the 6th P.M.
(Tradewinds Lodge Area)**

City Clerk Hanzlicek advised the Council that at the October 7, 2002 Planning Commission meeting, the board requested that annexation procedure should be initiated in the Tradewinds Lodge area. At the April 7, 2003 Planning Commission meeting, the board reviewed a proposed annexation map of this area and recommended to the City Council that the area be annexed. The proposed area has electric, water and sewer services of the City of Valentine. City streets are also abutting the property. The proposed annexation would take in just the Tradewinds Lodge property and the highway as per state statute.

Neil Wescott asked if the corrals would be taken in also. Don Pettigrew stated that the corrals would be taken in and that he has not seen animals there in the past 2 years. Mr. Wescott stated there were horses there a couple of months ago.

Councilmember Neujahr made the motion to begin the process of annexation on the Tradewinds property. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

24. REQUEST BY BLUE CROSS/BLUE SHIELD TO ADDRESS THE COUNCIL

City Manager New advised the Council that the health insurance rates for the city has increased over the years and a few years ago the city went out for bids for this service. The hospital has Blue Cross/Blue Shield and Gary Streeks was in attendance to explain this insurance program. A packet of information was provided to the Council for later review.

Blue Cross/Blue Shield opened up the NACO plan to other entities in hopes that a large group can give a better rate. They have 3 plans, a \$250, \$500 and \$750 deductible with an 80/20 coinsurance with a PPO provider. A \$10,000 life insurance policy in paid by NACO. They also have a 125 flex plan/cafeteria plan which is a pretax plan.

Last year Blue Cross/Blue Shield increased 8% and this year it is anticipated that it will increase 12% or a little less. The medical field is having health care cost increases and the HIPPA regulations are adding an additional cost factor to the total picture. The League of Nebraska Municipalities has tired to organize a health care option but that did not come to fruition.

A cost comparison needs to be done with the existing plan with Principal. The rates would be comparable now but the anticipated increases could change this comparison in the favor of Blue Cross/Blue Shield. When a policy is underwritten there could be a rate up in the range of 0-25%. The new rates should be available in the next 2 weeks for Blue Cross/Blue Shield.

For the NACO group, the employer must pay at least 50% of the single health insurance premium. About 1/3 of his clients pay the premium in full, 1/3 would pay for the employee only and 1/3 would pay a percentage of the single and the family. And at least 75% of the employees must participate.

25. REVIEW/DISCUSSION/ACTION ON AUTHORIZATION TO ABATE ALLEGED NUISANCES:

- a) 111 S Wood Street
- b) Highway 20

City Manager New provided an update to the Council on alleged nuisances at 111 S Wood Street and along Highway 20. The property owner at 111 S Wood Street has been notified and now the Health Board needs to be notified about the situation. There is a nuisance abatement procedure that must be followed.

Councilmember Rhoades made the motion to authorize the nuisance abatement process at 111 S Wood Street. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

The potential nuisance on Highway 20 is being taken care of and a signed statement has been received from the owner.

26. REVIEW/DISCUSSION/ACTION ON THE BIDS RECEIVED FOR THE FOLLOWING:

- a) Mount Hope Cemetery lawn mowing services
- b) Ecology Park lawn mowing services
- c) City Ballfield Complex lawn mowing services

The City of Valentine advertised for lawn care services at the cemetery and received the following bids:

Neil's Tree Service	\$16,000
Leonard's Lawns	\$19,000
J&J Rent-All and Repair	\$16,750

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These bids were reviewed by the Cemetery Board and they recommended that the bid from Neil's Tree Service be accepted. Councilmember Nieuwenhuis made the motion to accept the bid from Neil's Tree Service in the amount of \$16,000 for lawn care services at Mount Hope Cemetery. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

The City of Valentine received the following bids for Ecology Park lawn mowing services:

Leonard's Lawns	\$5,000
Gallino Lawn Service	\$4,400
Jerry Shelbourn	\$4,100

Councilmember Nieuwenhuis made the motion to accept the bid from Jerry Shelbourn in the amount of \$4,100 for lawn mowing services at Ecology Park. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

The City of Valentine received the following bids for City Ballfield Complex lawn mowing services:

Leonard's Lawns	\$6,500
J&J Rent-All and Repair	\$6,000
Jerry Shelbourn	\$4,500
Steve Hanson	\$7,350

City Manager New requested that the bids received on the City Ballfield Complex lawn mowing services be rejected because the City of Valentine personnel will take care of the fields. Councilmember Nieuwenhuis made the motion to reject all bids because the city will be doing the work. Second by Councilmember Nelsen. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

27. REVIEW/DISCUSSION/ACTION ON BIDS RECEIVED ON THE ULTRA VIOLET DISINFECTION SYSTEM FOR THE SEWER TREATMENT PLANT

The City of Valentine advertised for an Ultra Violet Disinfection System for the sewer treatment plant and received the following bid:

Mc2, Inc. Omaha, NE	\$36,000.00
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This bid was reviewed by the engineer on the project (Olsson Associates) and noted that there would be some minor adjustments but they recommended that the bid be accepted. City Manager New stated that this equipment is needed to remain in compliance to DEQ standards. The original UV system is manufactured by Trojan Technologies.

Councilmember Nieuwenhuis made the motion to accept the bid from Mc2, Inc. in the amount of \$36,000 for an Ultra Violet Disinfection System for the sewer treatment plant. Second by Councilmember Rhoades. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

28. REVIEW/DISCUSSION/ACTION ON JOINING THE CENTRAL NEBRASKA JOINT HOUSING AUTHORITY:

a) Resolution appointing Councilmember to the Central Nebraska Joint Housing Authority

At the March 17, 2003 Council meeting, this item was tabled until a volunteer was found. At this time, no volunteer from the community has stepped forward. Councilmember Nelsen made the motion to adopt the following Resolution:

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RESOLUTION APPOINTING COMMISSIONERS FOR THE CENTRAL NEBRASKA JOINT HOUSING AUTHORITY AS FORMED BY THE AGREEMENT FOR FORMATION OF THE CENTRAL NEBRASKA JOINT HOUSING AUTHORITY UNDER THE INTERLOCAL COOPERATION ACT.

WHEREAS, the City of Valentine, Nebraska, has previously entered into an Agreement for Formation of the Central Nebraska Joint Housing Authority under the Interlocal Cooperation Act; and

WHEREAS, this agreement provides that the City of Valentine, Nebraska, shall be represented upon the Board of Commissioners of the Central Nebraska Joint Housing Authority and further said agreement provides said City to appoint one Commissioner to said Board of Commissioners of Central Nebraska Joint Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF VALENTINE, NEBRASKA, that Patricia Neujahr be and is hereby appointed as Housing Authority Commissioner to represent the interest of the City of Valentine, Nebraska, upon the Central Nebraska Joint Housing Authority Board of Commissioners. Said appointment shall be for a term of five (5) years from this date.

Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

29. REVIEW/DISCUSSION/ACTION ON CITY ATTORNEY CONTRACTS

The Council received and reviewed proposed contracts from Robert D. Coupland d/b/a Coupland Law Office and Susan Neujahr Beel for City Attorney services. The contracts were negotiated by Councilmembers Nieuwenhuis and Balliet.

Councilmember Nelsen made the motion to accept the contracts with the City Attorneys as presented from Coupland Law Office and Susan Neujahr Beel. Second by Councilmember Neujahr. Roll call vote: Aye-Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

30. REVIEW/DISCUSSION/ACTION ON THE AMENDMENT TO SECTION VI OF THE CITY OF VALENTINE PERSONNEL POLICY MANUAL

At the request of the Council, City Attorney Coupland provided the Council with a copy of the proposed amendment to Section VI of the City of Valentine Personnel Policy manual showing the changes that were made. These changes may only apply to the police department because of the union contract agreement. If this is adopted by the Council, then it will be incorporated into the personnel policy manual. This will comply to the statutory requirements of 17-107(2) of the Nebraska Statutes with the exception that it is not in an ordinance form at this time.

Councilmember Neujahr made the motion to accept the amendment to Section VI of the City of Valentine Personnel Policy manual. Second by Councilmember Nelsen. Roll call vote: Aye- Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

31. DISCUSSION OF CITY OF VALENTINE LANDFILL FRANCHISE AGREEMENT AND RATE STRUCTURE

City Attorney Coupland offered review of the garbage case in Hubbard, Iowa. It shows that their ordinance has been tested in the Iowa Supreme Court. This is for information only. The service was opened to competition and created districts for services. The study and review of the Valentine situation is still ongoing. Valentine will be using language from different cities to design its franchise agreement and rate structure. Hastings has an occupation tax for this service.

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32. REVIEW/DISCUSSION/ACTION ON AGREEMENT FOR PARK SERVICES

The Council received and reviewed a City Park Manager Contract which is being offered to George Farel. Mr. Farel worked for the City of Valentine last year and would like to come back as an independent contractor to manage the park system.

Councilmember Nieuwenhuis made the motion to accept the City Park Manager Contract with George Farel. Second by Councilmember Neujahr. Roll call vote: Aye- Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

33. REVIEW/DISCUSSION/ACTION ON THE APPOINTMENT OF A PART TIME CITY CLERK/TREASURER

City Clerk/Treasurer Hanzlicek has turned in his resignation effective May 2, 2003. He would be willing to stay on in a part time capacity at his normal hourly salary without benefits. He would still be able to act in the official capacity until you have another Clerk/Treasurer hired. His hours would be limited to weekend and night time.

Councilmember Rhoades made the motion to appoint John Hanzlicek as a part time temporary City Clerk/Treasurer effective May 3, 2003. Second by Councilmember Nelsen. Roll call vote: Aye- Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent-Balliet. Motion carried.

34. REQUEST BY KEVIN MOORE TO ADDRESS THE COUNCIL

Kevin Moore requested to address the Council and read a prepared 14 point letter to the Council and the public. The City Manager will meet with Mr. Moore to discuss some of these matters. Some of the questions being raised are in litigation. He was advised to come to City Hall and visit with the City Manager.

35. MEETING ADJOURNED

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

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 made available May 2, 2003.

John Hanzlicek
City Clerk