

City of Valentine
Regular Council Meeting
City Library Meeting Room
May 19, 2003

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held May 19, 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

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

2. CIVIC GROUP RECOGNITION:

- a) **Valentine Volunteer Fire Department**
- b) **Introduction of Robert McLean-Chief of Police**

Fire Chief Terry Engles was in attendance and presented a recap of the number and types of fire department runs. They have 48 active members on the department.

Robert McLean was in attendance and was sworn in as the Chief of Police of the Valentine Police Department. He gave an overview of his work experience in law enforcement. Mr. Lee Petersen attempted to ask questions of Mr. McLean. Mr. Petersen was asked to do this on private time with Mr. McLean.

3. CONSENT AGENDA

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

4. *REVIEW/DISCUSSION/ACTION ON THE PASSAGE OF THE FOLLOWING PROCLAMATIONS:

- a) **Community Action Month**
- b) **Nursing Home Week**
- c) **National Beef Day**

Councilmember Neujahr made the motion to adopt Proclamations for Community Action Month and National Beef Day as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

5. *REVIEW OF VARIOUS BOARD MINUTES:

- a) **Planning Commission Meeting of May 5, 2003**
- b) **Cemetery Board Meeting of May 12, 2003**
- c) **Solid Waste Agency Meeting of May 6, 2003**

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

Regular Council Meeting
May 19, 2003

**6. *APPROVAL OF THE APRIL 21, 2003 REGULAR COUNCIL MEETING MINUTES
AND THE MAY 6, 2003 SPECIAL MEETING MINUTES**

Councilmember Neujahr made the motion to approve of the City Council minutes from the regular meeting of April 21, 2003 and the special meeting minutes of May 6, 2003 as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

7. *APPROVAL OF THE APRIL 2003 RECEIPT REPORT **\$773,006.96**

Councilmember Neujahr made the motion to approve of the April, 2003 Receipt Report in the amount of \$773,006.96 as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

8. *REVIEW OF THE APRIL, 2003 FINANCIAL REPORTS

The April 2003 Financial Reports were not presented at this time and no action was taken.

9. *APPOINTMENT OF THE FOLLOWING TO THEIR RESPECTIVE BOARD FOR THE SPECIFIED TERM:

**Planning Commission for the term of 06/2003 to 06/2006:
Todd Mathis, James Lutter and Blaine Benson**

**Board of Health for the term of June 2003 to June 2004:
Wallace Balliet-Mayor, Robert McLean-Chief of Police,
Dr. Allen Hunt-Physician and Patricia Neujahr-Vice Chairperson**

Councilmember Neujahr made the motion to appoint Todd Mathis, James Lutter and Blaine Benson to the Planning Commission for a term of June 2003 to June 2006 and to appoint Wallace Balliet, Robert McLean, Dr. Allen Hunt and Patricia Neujahr to the Board of Health for a term of June 2003 to June 2004 based on their positions within the community. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

10. REVIEW/DISCUSSION/ACTION ON THE REQUESTS TO CONSUME ALCOHOLIC BEVERAGES IN THE CITY PARK FOR TRACY HAND ON JUNE 15, 2003

Tracy Hand was in attendance to explain that they are planning a family reunion that weekend. Mr. Hand was advised that the permit allows alcohol within the confines of the building structure itself. And that he will receive a copy of the rules and regulations on the use of the shelter. Councilmember Nelsen made the motion to approve the request to consume alcoholic beverages in the city park on June 15, 2003. Second by Councilmember Rhoades. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

11. REVIEW/DISCUSSION/ACTION ON THE REQUEST TO CLOSING THE FOLLOWING:

- a. an alley located in Lot 6, Block 8 Original Town
- b. an alley located in Lot 3 & 4, Block 8, McDonald's Addition

The Council received a written request from Willie Watson to close the east/west alley south of Lot 6, Block 8 of Original Town and a written request from Carolyn Swanson and Jason Vanderwey to close the alley between Lots 3 & 4, Block 8, McDonald's Addition. Street Superintendent Pettigrew was in attendance and stated that neither alley is opened up or being used. He recommended that both alleys be vacated but that the City retain a 20' utility easement.

Regular Council Meeting
May 19, 2003

Councilmember Nelsen made the motion to close the alleys located both locations and to retain an easement. Second by Councilmember Neujahr. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. An Ordinance will be prepared and presented to the Council at the next regular meeting.

12. REVIEW/DISCUSSION/ACTION ON THE APRIL 2003 CLAIMS & PAYROLL \$445,353.53

The Council reviewed and asked questions on claims as they were presented to them. Councilmember Rhoades made the motion to approve of the Claims & Payroll as presented with the exception of claim #27 in the amount of \$342.75 to Rhoades Electric. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Councilmember Nelsen made the motion to approve of claim #27 in the amount of \$342.75 to Rhoades Electric in accordance to LB 370. Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Nieuwenhuis. Nay-none. Abstain-Rhoades. Motion carried.

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

This agenda topic has been on the Council agenda for several months and appeared again tonight for additional discussion and action. Jerry Adamson was in attendance representing the Comfort Inn and the Dunes Motel. This appears to be an effort to tap into the tourism dollars which he does not have a qualm with. But to single out one industry in a town this size is highly discriminatory. If this is a legitimate need then the Council should consider taxing food services, restaurants and gas stations. Did the Council earmark the funds for a particular project?

Councilmember Balliet replied that the 2% occupation tax would be used for the expansion of the airport and to also contribute more to the Chamber dues and to free up other tax monies in the city budget. This is a tax allowed by the state. A sales tax attempt was made previously and it was not passed. This would be an option to generate some funds and do some projects in Valentine.

Mr. Adamson suggested that a sales tax would be a better solution than to single out a particular industry within the community.

Anne Clark stated that if a medical need is justification for a tax like this then the hospital should help pay for the improvements because they get a lot of good from the airport. In reference to the city sales tax attempt; the civic center proposal that was attached to the previous attempt was what the public did not like. The lodging industry is not the only one that should be taxed. If a city tax was passed then what happens to the occupation tax?

Councilmember Balliet stated that if an occupation tax were adopted, it would have a sunset clause in the Ordinance and then it would be up to the Council at the time to continue the occupation tax or not.

An accurate estimate of the amount of money generated from this tax is unknown at this time. The Tourism Board currently receives around \$47,000 from all of the lodging establishments within the county and it was not known just how much would be generated in the Valentine city limits. Councilmember Rhoades wondered if the dollar amount would be reasonable enough to go after and make enemies in the tourism industry. But we do have reasons for it. A city sales tax will probably come up before the public again.

Jerry Adamson stated that a sales tax would be the fairest tax. He does not buy the idea that people shop in Valentine because it does not have a sales tax.

Regular Council Meeting
May 19, 2003

Ron Bauer commented that last summer an informal survey was done of the guests at the Holiday Inn Express and the customers were asked what they thought of a sales tax. The customers thought that Valentine had a sales tax already. It had no bearing on whether they came here or not. What is being proposed by the Council is discriminatory because there is only a few in that industry. The right thing to do for this community is a sales tax. The community should organize and get it done. An occupation tax does influence where people choose to stay. An occupation tax should not be on top of a sales tax. If the business community got together and they may be for a sales tax if it is not tied to a convention center. It would still be wise to make a portion of those funds available for a convention center because other smaller communities around Valentine have one. It is time for Valentine to have a sales tax.

Comments were made regarding the other communities that are looking at a sales tax.

Anne Clark stated that the city should have a clear plan on what the use of the money would be for. Everyone should be able to get a part of the funds generated from a sales tax. Discussion followed and there are certain projects or plans that could be made to benefit the community.

City Manager New recently received information from Burwell in reference to their sales tax attempt. She will get what information she can concerning a sales tax. She asked about the support that would be available from the community for this kind of a proposal.

Ron Bauer suggested to invite some of the Ainsworth people who were involved in their sales tax passage to come up and speak to the Valentine leaders on how to get something like this done in Valentine.

Councilmember Nelsen suggested that if the community voted down a sales tax, then one would have to come back to the possible option of an occupation tax. He would be in favor of a city sales tax.

Ron Bauer stated that he would not fight an occupation tax if a sales tax were adopted and the occupation tax was deleted.

Georgia Spain is against an occupation tax altogether and that the proposal would be for an extended period of time. They have had to trim their budget and cut back on help. The city should do the same.

Discussion followed and it was estimated that a 1% sales tax would have generated approximately \$450,000 per year for the community over 2 years ago. And a large amount of the revenue coming in would be from citizens outside of Valentine.

Julie Richardson commented that when she goes to other towns she does not ask about the tax rates. If she wants something she will buy it. The citizen need to know what a sales tax would do for the community.

Councilmember Nelsen made the motion to do not draft an Ordinance to adopt an occupation tax on motel/hotel rooms in Valentine. Second by Councilmember Nieuwenhuis. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades. Nay- Nieuwenhuis. Motion carried.

Councilmember Neujahr requested that City Manager New and other citizens start on the sales tax issue immediately.

Regular Council Meeting
May 19, 2003

City Attorney Coupland noted that the public copy of the documents available for the meeting tonight were removed from the room and returned. The public should be cautioned not to remove the book because it deprives other members of the public the opportunity to see it and it could lead to accusations on the removal of documents or being lost. Please leave the public copy in the meeting room.

Pat Petersen apologized for this stating that she did not see the note on the cover until she closed the book. She was not trying to steal anything out of the book.

14. REVIEW/DISCUSSION/ACTION ON PRICE AND INSTITUTION OF RECREATIONAL FEES

City Manager New presented proposals for park fees including tent camping, RV parking, swimming pool, softball teams, Legion teams, picnic shelter rental, Boy Scout cabin rental, Trail Head Shelter rental and Youth Activities. The last few years the city has had only mowing contracts and there is maintenance work that did not get done. Last year the city hired a maintenance person who worked on some projects in the park. There are other maintenance items that need to be completed. In order to help pay for this maintenance, fees for services should be reviewed. This item is being brought to the Council for consideration.

Julie Richardson has been involved with the ballfield for 7 years. Other than the lights, the mowing and the water she has never had any city maintenance out there. On the days they have games they get the fields ready and pick up trash. Take the Gator out and maintain the infield. She also cleaned the bathrooms.

The lights need to be replaced. Some are burned out and one field was not used because the lighting was so bad and unsafe. The sandburs will always be there. If they get charged this fee, they will still be in charge of maintaining the infields. There are other communities who charge teams to play ball but then whoever collects the fee should maintain the fields.

The ridge has come back from the inner infield to the outfield. They bury the sprinkler heads and the field does not get watered.

City Manager New stated that the city has not maintained the fields on a daily basis in the past. The ball programs did. The Gator was purchased by the Women's Softball Association and the Legion Teams and Little Hearts Baseball. The city is working on the lights, the weeds, the fence and other items that need worked on at the ballfield complex.

Ms. Richardson is opposed to the fees because they do not get any maintenance other than what they do themselves. If the lights are fixed and the ridge is taken out and the dugout on diamond #2 were fixed and the fence fixed then should would have no problem paying a fee.

Councilmember Nelsen stated that the American Legion puts in between \$4,000 and \$6,000 every year into the ballfield. This is why the American Legion field is better than the other fields. Lets take the user fees to get the fields to looking nice.

Regular Council Meeting
May 19, 2003

The Council reviewed the fees proposal. Pat Petersen commented that item #14 was not in the public copy of the agenda book. This information was provided immediately for public inspection. City Manager New stated that the Men's and Women's Softball League have been advised of a proposed team fee charge. The following charges were recommended: \$3.00 per night for tent camping, \$7.00 per night for small RV's with no hook up, the swimming pool fees would remain as presented, \$50.00 per team for softball and Legion teams, \$55.00 for picnic shelter rent, \$35.00 for Boy Scout Cabin rent, \$35.00 for Trail Head Shelter rent, \$25.00/hr. for gym rental and various youth activity fees.

If there is a fee associated for a team to participate in the league and they do not pay, then they will not play.

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

Councilmember Balliet stated that the Council needs to direct legal counsel to remove the blighted and substandard designation totally or partially. Councilmember Nieuwenhuis made the motion to direct the City Attorney to remove the blighted area altogether. Second by Councilmember Rhoades. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Councilmember Nieuwenhuis made the motion to recess the Council meeting for a 5 minute break. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The meeting was recessed at 8:41 p.m..

Councilmember Nelsen made the motion to return to regular session. Second by Councilmember Balliet. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The Council returned to regular session at 8:49 p.m..

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

Councilmembers Nelsen and Rhoades along with City Manager New attended a Cherry County Commissioner's meeting and discussed the possibility of locating a city/county building in Block 10 of Original Town where city hall is located. A new plan was drafted and reviewed by the Council. The question is does the city still want to be involved in this plan. One plan call for a 1 story building and another plan calls for a 2 story building. Items to consider yet include: future expansion area (build for it now or later), the construction should include a basement for storage and inclement weather, what is the appraised value of the city land, temporary relocation costs of the city, the Memorandum of Understanding should be in place on a two entity project, what kind of a lease agreement or cost factor is there for the city, does this plan include a courtroom, one or two stories (who would be on the top floor). The Council needs to make a statement as to what direction it wants to go on this plan and should the city be included? Cherry County Commissioner Adamson stated that 3 different sites had been considered but it keeps coming back to the Main Street location as being the preferred site.

Councilmember Nieuwenhuis made the motion that we move forward with the County on the jail. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. motion carried.

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

Regular Council Meeting
May 19, 2003

City Manager New stated that she still does not have all of the figures or documentation to present to the Council. Councilmember Balliet made the motion to table agenda item #17. Second by Councilmember Nieuwenhuis. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

18. REVIEW/DISCUSSION/ACTION ON APPLICATIONS RECEIVED FOR THE CITY CLERK/TREASURER POSITION

The City Council has advertised for the City Clerk/Treasurer position and have received 11 applications. The application list was included in the public information packet in error. Councilmember Nieuwenhuis made the motion to go into executive session to discuss personnel matters. Second by Councilmember Rhoades. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried and the Council entered executive session at 9:12 p.m.

Councilmember Neujahr made the motion to return to open meeting. Second by Councilmember Rhoades. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried and the Council returned to open session at 9:40 p.m.

19. REVIEW/DISCUSSION/ACTION ON APPLICATION FOR FEDERAL ASSISTANCE FOR MILLER FIELD PROJECT NO. 3-31-0084-02

City Manager New explained the form that the FAA requires to be filled out on the next portion of the improvement project at the airport. This is the land acquisition phase and the city's share is a high amount of \$137,000. The engineering contract is being worked on and will be before the Council soon to be signed. Construction on the project could start next spring or summer.

Councilmember Neujahr made the motion to begin the application to apply for federal assistance for Miller Field. Second by Councilmember Nelsen. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Neil Wescott asked about the outcome of agenda item #18. City Attorney Coupland advised him that there is nothing on the public record.

Councilmember Neujahr made the comment that Cliff Petersen did an excellent job while he was Acting Police Chief and thanked him for all of his extra efforts.

20. MEETING ADJOURNED

With no further business before the Council, Councilmember Neujahr made the motion to adjourn. Second by Councilmember Nelsen. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none.. 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 26, 2003.

John Hanzlicek
City Clerk