

City of Valentine  
Special Council Meeting  
City Library Meeting Room  
May 27, 2003

A special meeting of the City Council of the City of Valentine, Valentine, Nebraska was held May 27, 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 May 22, 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. The meeting was running concurrently with the Valentine Area Solid Waste Agency meeting.

Councilmember Rhoades made the motion to recess the meeting for a short break. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The Council recessed at 8:27 p.m.

Councilmember Balliet made the motion to return from recess and start the meeting again. Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The Council returned to the meeting at 8:33 p.m.

**2. REVIEW/DISCUSSION/ACTION ON ORDINANCE NO. 2003-2008M - PROVIDING FOR THE VACATION OF AN ALLEY WITHIN THE CITY LIMITS OF VALENTINE, NE, BETWEEN 4TH AND 5TH STREETS, BLOCK 8, ORIGINAL TOWNSHIP**

At the previous Council meeting, a request was received to close the alley located in Block 8, Original Town of Valentine. It was recommended at that time by the Street Superintendent that it could be closed but the city retain the rights to an easement.

Councilmember Balliet introduced Ordinance No. 2003-2008M entitled: Vacating and Alley.

Councilmember Neujahr made the motion that Statutory Rule requiring reading on three different days be suspended. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Ordinance was read by title:

AN ORDINANCE OF THE CITY OF VALENTINE, NEBRASKA, PROVIDING FOR THE VACATION OF AN ALLEY WITHIN THE CITY LIMITS OF VALENTINE, NEBRASKA; PROVIDING THAT THE SAID ALLEY SHALL REVERT TO THE OWNERS OF THE ABUTTING REAL ESTATE; PROVIDING THAT ANY EXISTING EASEMENTS FOR UTILITIES ALREADY LOCATED IN SAID ALLEY SHALL NOT BE NULLIFIED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

Councilmember Nelsen moved for final passage. Second by Councilmember Balliet. The Mayor asked if Ordinance No. 2003-2008M is to be passed and adopted. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

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The passage and adoption of said Ordinance No. 2003-2008M having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

**3. REVIEW/DISCUSSION/ACTION ON ORDINANCE NO. 2003-2009M - PROVIDING FOR THE VACATION OF AN ALLEY WITHIN THE CITY LIMITS OF VALENTINE, NE, BETWEEN LOT 3 AND 4, BLOCK 8, McDONALD'S ADDITION**

At the previous Council meeting, a request was received to close the alley located in Block 8, between Lots 3 and 4 of McDonald's Addition. It was recommended at that time by the Street Superintendent that it could be closed but the city retain the rights to an easement.

Councilmember Balliet introduced Ordinance No. 2003-2009M entitled: Vacating and Alley.

Councilmember Balliet made the motion that Statutory Rule requiring reading on three different days be suspended. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

The Ordinance was read by title:

AN ORDINANCE OF THE CITY OF VALENTINE, NEBRASKA, PROVIDING FOR THE VACATION OF AN ALLEY WITHIN THE CITY LIMITS OF VALENTINE, NEBRASKA; PROVIDING THAT THE SAID ALLEY SHALL REVERT TO THE OWNERS OF THE ABUTTING REAL ESTATE; PROVIDING THAT ANY EXISTING EASEMENTS FOR UTILITIES ALREADY LOCATED IN SAID ALLEY SHALL NOT BE NULLIFIED; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

Councilmember Neujahr moved for final passage. Second by Councilmember Nieuwenhuis. The Mayor asked if Ordinance No. 2003-2009M is to be passed and adopted. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

The passage and adoption of said Ordinance No. 2003-2009M having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

**4. REVIEW/DISCUSSION/ACTION ON RESOLUTION FOR SETTING RECREATION USER FEES**

The Council received and reviewed a Resolution to amend and establish rates for recreation user fees in Valentine. Mayor Balliet read the dollar amounts being established for the public. Julie Richardson was in attendance and stated that field #1 looks nice after the city crews worked on it. She requested that the infield get mowed on field #2. She was advised by the City Manager that the city crew should start working on field #2 tomorrow.

Councilmember Neujahr made the motion to adopt the fees as presented in the Resolution. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

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**5. REVIEW/DISCUSSION/ACTION ON ORDINANCE NO. 2003-2010M, AMENDING SOLID WASTE ORDINANCE CHAPTER 3, ARTICLE 9 OF THE MUNICIPAL CODE**

The Council received and reviewed proposed Ordinance No. 2003-2010M to amend the solid waste Ordinance Chapter 3, Article 9 of the municipal code. The Ordinance was reviewed by section in its entirety. This proposed Ordinance was prepared using Nebraska laws and Federal laws. The intention of the review tonight is to discussion and offer suggestions to amend the proposal and then present a final draft at a later meeting.

Discussion ensued concerning solid waste haulers who need to get a permit to haul or do business in Valentine. They also need to receive a permit to get through the gate at the landfill. Any hauler picking up garbage within our jurisdiction must prove to the city that they are taking it to a licensed landfill and disposing of it properly.

Discussion was held on the possibility of using an occupation tax allow a company to do solid waste hauling business in Valentine. This would ensure that the City of Valentine could receive the revenue it feels is necessary to operate the landfill. Each hauler (if more than one) would have a list of customers and they would be charged by the amount and type of customers that they serve. The independent hauler would need to do their own billing and collection.

Councilmember Nelsen mae the motion to recess the meeting for a short time. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried and the meeting was recessed at 9:51 p.m.

Councilmember Balliet made the motion to come back into session. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried and the meeting was back in session at 10:00 p.m.

Discussion was held on rate options to charge contractors at the landfill gate. The rate could be based on whether they are hauling Valentine garbage or not. Revenue concerns and regulation of solid waste flow were addressed. The Council wants to make sure that there is a level playing field for all of the contractors who may be interested in operating a solid waste business in Valentine.

Currently the City is receiveng 38% of the amount being billed, or approximately \$7.22 per residential customer, to pay for the operation and debt of the landfill. An occupation tax could be based on this premise to also come up with a rate for commercial customers. There could also be a different rate on permits to do business in Valentine on whether they haul the trash to the Valentine landfill or not. It was recommended that \$7.50 per residential customer per month be charged to an independent hauler doing business in Valentine.

If an independent hauler wanted to pick up the yard waste only in Valentine, they would have to take it to the old landfill for a fee or else show that the yard waste is being disposed of properly. Section 3-911 defined the suties of the licensed haulers and what their responsibilities would be. The remainder of the proposed Ordinance was reviewed with discussion and suggested amendments. This proposed Ordinance will be rewritten and presented to the Council at the next regular meeting.

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**6. MEETING ADJOURNED**

With no further business before the Council, Councilmember Nieuwenhuis made the motion to adjourn. Second by Councilmember Neujahr.. 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 June 9, 2003.

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John Hanzlicek-City Clerk