

City of Valentine
Regular Council Meeting
City Library Meeting Room
June 16, 2003

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held June 16, 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:

**North Central Community Care Project reference Cowboy Trail
Fourth Grade Class City Beautification project**

This project will not cost the city anything. Funding has been received from the center of disease control to help promote health conscious projects. This group would like to place marked posts for 1/2 mile increments going 3 miles each way. All they would like is a commitment from the city to participate in this process. The group will pay for the post and look for civic groups to do the labor.

A letter was read from Carolyn Semin about Character Education and the field trip that the 4th grade class took to plant flowers downtown and in the park and to also pick up trash in the park. The Council expressed their thanks to this group.

3. CONSENT AGENDA

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

4. *REVIEW OF VARIOUS BOARD MINUTES:

- a) **Planning Commission Meeting of June 2, 2003**
- b) **Cemetery Board Meeting of June 9, 2003**
- c) **Solid Waste Agency Meeting of May 27, 2003**
- d) **Library Board Meeting of June 3, 2003**

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

**5. *APPROVAL OF THE MAY 19, 2003 REGULAR COUNCIL MEETING MINUTES
AND THE MAY 27, 2003 SPECIAL MEETING MINUTES**

Councilmember Neujahr made the motion to approve of the City Council minutes from the regular meeting of May 19, 2003 and the special meeting minutes of May 27, 2003 as presented. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

6. *APPROVAL OF THE MAY 2003 RECEIPT REPORT

\$571,123.04

Councilmember Neujahr made the motion to approve of the May, 2003 Receipt Report in the amount of \$571,123.04 as presented. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

At this time, City Clerk Hanzlicek was excused from the meeting to work on items at city hall.

7. PRESENTATION OF INSURANCE PROGRAM AND DIVIDEND CHECK BY JAN NOTEBOOM OF THE INSURANCE CENTER

Jan Noteboom of the Insurance Center was in attendance to review the insurance program of the City of Valentine. A dividend check in the amount of \$5,874.25 was received from her because the City of Valentine is in a municipality dividend group. A recap of the premiums that the City of Valentine pays was presented to the Council. The largest increase in the insurance package is in the work comp area because of the 1.3 experience modification.

8. REVIEW/DISCUSSION/ACTION ON THE APPOINTMENT OF CITY CLERK/TREASURER

Two members of the City Council conducted interviews for the City Clerk/Treasurer position and recommended that Sandi Steele be appointed as the City Clerk/Treasurer. The Council received notice that Ms. Steele would decline the position.

9. REVIEW/DISCUSSION/ACTION ON LANDFILL ITEMS:

- a) **Summary and Recommendation of Olsson & Associates regarding Landfill Operation and Rate Study**
- b) **Application for Solid Waste Hauling Permit**
- c) **Adoption of Ordinance No. 2003-2010M amending Solid Waste Ordinance Chapter 3, Article 9 of the Municipal Code**

The Council received proposed Ordinance No. 2003-2010M to amend the Solid Waste Ordinance Chapter 3, Article 9 of the Municipal Code. Councilmember Neujahr made the motion to table item #9 on the landfill. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

The Council returned to this item at the conclusion of agenda item #19.

Janine Holmes addressed the Council and wanted to know what the definition of a hauler is. She was advised that it would be one who picks up solid waste such as household waste or construction waste.

Another question she asked is if there is an administrative fee being charged to the preferred hauler and what is the fee because that person does not have to do the billing. She was advised that there is not at this time. The contract agreement with the preferred hauler would include these type of understandings.

She wanted to know if it was fair for them to decide who is the preferred hauler and shouldn't the public have some freedom to choose who picks up their garbage. She was advised that she already has that right.

She is currently being charged an extra fee for picking up cardboard and she does not know why because it is being recycled. The money made on the cardboard is not large but there is a profit being made.

Of the items being recycled, does the city get a percentage of that? These are questions that the public would like to know. A lot of these comments come from the coffee shop.

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If 1/2 the population switched to another hauler, how would it impact the numbers that were given? She was told that it would significantly impact the ability to pay for a landfill. She does not like the idea of charging one hauler more than the other. She has called around and our rates are going to be higher than other locations. She would like to see it fair for others to compete.

Councilmember Nelsen stated that we need to make sure the landfill is paid for and that we have enough money for the landfill.

Ms. Holmes had a question on the 62% and 38% split of the funds and what the city used the 38% for. She was advised that the city uses it to make payments on the loan that is on the landfill, equipment, staff, general overhead and operations, and the closure and post closure costs.

Councilmember Nieuwenhuis asked if there could be more than 1 preferred hauler. The city could make the preferred hauler still take the garbage to our dump. You would be guaranteed that the trash would be going to our landfill. Councilmember Rhoades mentioned that we need to also consider recycling and yard waste.

City Manager New stated that the preferred should all have to provide the same type of service. Brian Perrett responded to the question about the picking up of the cardboard. He was saving the businesses money by picking up their cardboard and when cardboard prices went down, the tonnage rate was not enough to cover his freight costs.

In review of the study conducted by Olsson Associates, the City should be in the \$69 per ton range because that is what the city is currently charging itself under the current structure. It would not make sense to charge a fee under that amount. The fee portion of the Amended Rules and Regulations of the Valentine Area Solid Waste Agency is not what would be charged to the communities with interlocal agreements. It is set at \$47/ton. Raising the rate from \$47/ton to \$59/ton would affect the communities with interlocal agreements. The cost to the individual customers in the interlocal agreements would be minimal when the tonnage rate is compared on an individual basis.

Discussion was held on proposed Ordinance No. 2003-2010M and the amount of the occupation tax per customer of the independent hauler. The amount should be set at \$7.55 per month per customer. The independent hauler should advise their customers the proper procedure in removing the billing charges from the city for garbage on their utility bill. The people using the recycling facility are considered customers of the city. Tree branches are the responsibility of the City of Valentine and all residents will have their tree limbs picked up by the city.

Councilmember Nelsen addressed item 4 on page 9 of the proposed Ordinance and was under the impression that vehicles were to be stored indoors in an enclosed garage. This would be done for sanitary, nuisance and smell reasons.

10. 7:30 P.M. PURSUANT TO NOTICE IN THE VALENTINE MIDLAND NEWS, A PUBLIC HEARING WILL BE HELD TO RECEIVE COMMENTS ON REMOVING THE BLIGHTED AND SUBSTANDARD DESIGNATION FROM LAND LOCATED IN THE NORTHEAST PORTION OF TOWN

At 7:30 p.m., Councilmember Balliet opened the public hearing to receive comments on removing the blighted and substandard designation from land located in the northeast portion of town.

Mike Mehrens addressed the Council and stated that due to the lack of knowledge on the issue, he is not in favor of the designation and would like it rescinded.

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Councilmember Rhoades asked if anyone is in favor of the blighted and substandard designation. There were several people in attendance at this meeting and nobody spoke in favor of keeping the designation in place.

Councilmember Balliet asked if there was any other discussion for item #10. Hearing none, the hearing was closed.

11. REVIEW/DISCUSSION/ACTION ON THE PASSAGE OF A RESOLUTION TO REPEAL RESOLUTION 2002-12-01 DECLARING CERTAIN PORTIONS OF THE CITY TO BE BLIGHTED AND SUBSTANDARD

The Council received and reviewed a proposed Resolution to repeal Resolution 2002-12-01 declaring certain portions of the city to be blighted and substandard. Councilmember Rhoades made the motion to repeal the blighted and substandard area. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

12. REVIEW/DISCUSSION/ACTION ON RESOLUTION TO AMEND THE CITY OF VALENTINE PENSION PLAN TO ALLOW 414H PLAN-AMERITAS PENSION PLAN

Ameritas had approached the city about going to a pretax pension plan and the City of Valentine had agreed to do so. The employees have signed up for a 457 Plan only and should also be signing up for the 414H Plan.

Councilmember Nelsen made the motion to adopt the Resolution on the 414H Pension Plan. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

13. REVIEW/DISCUSSION/ACTION ON THE FOLLOWING REQUEST TO CONSUME ALCOHOLIC BEVERAGES IN THE CITY PARK:

- a) Larry and Patti Radant, July 18, 2003
- b) Rotary Club, June 26, 2003
- c) Holly Wolfenden, July 4, 2003

Discussion was held on the alcohol request permits and whether the applicants are advised to be in attendance. The application form should be changed to advise the applicant that they must be in attendance at the Council meeting.

Councilmember Neujahr made the motion to grant the alcoholic permit to Larry and Patti Radant for July 18, 2003. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Councilmember Nieuwenhuis made the motion to do the same for the Rotary Club. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Nieuwenhuis. Nay-none. Abstain-Rhoades. Motion carried.

Councilmember Rhoades made the motion to allow the license for Holly Wolfenden for item "C". Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

14. REVIEW/DISCUSSION/ACTION ON REQUEST FROM THE VISITORS CENTER TO CLOSE MAIN STREET FOR CRAZY DAYS ON AUGUST 1, 2003

Dean Jacobs from the Visitors Center was in attendance to address the Council reference the request to close Main Street for Crazy Days and the date for the event is August 2, 2003. The fire department plans on having some activities again this year and the event would like to have a 3 on 3 basketball tournament. They would like to use some of the side streets off of Main Street. From Main Street West to Cherry Street: "B" Street, "A" Street and First Street, then also "A" Street East of Main to Hall Street. Second Street has already been approved to be closed from Main Street West to the alley for the beer garden. The Chamber supports the basketball tourney but they are not sponsors of it. The side streets would need to be closed for 2 days, Saturday and Sunday, for the basketball tourney. Main Street is being requested to be closed on Saturday, August 2, 2003 until approximately 3:00 p.m.

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Councilmember Nelsen made the motion to close Main Street from "B" Street to First Street on Crazy Days, August 2, 2003 from 6:00 am to 4:00 p.m. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

15. REVIEW/DISCUSSION/ACTION ON THE RESOLUTION TO WAIVE ACTION ON THE DEED WHICH FAILED TO COMPLY TO SUBDIVISION RULES AND REGULATIONS REFERENCE STATE STATUTE 76-2,110

Susan Beel was in attendance to represent the interest in the request to waive action on a deed which failed to comply to subdivision rules and regulations. She created this deed and is split the one lot into 2 lots and separated the homes that are on the lot. There are two houses on the lot and the owner is attempting to sell one of the homes. The houses have separate utilities and tax ID number. An administrative plat cannot be done because the two separate lots do not meet the minimum square footage requirement. The land being divided is the West 100 feet of Lot 16, Block 16, Original Town of Valentine, Cherry County, Nebraska which is located near 5th and Wood Street.

Scott Egelhoff was in attendance and stated that the water is separately meter and he is unsure about the sewer services.

Councilmember Balliet made the motion to approve of the Resolution with the stipulation that all utilities that the city provides are provided separately to each house. If any of them are joint they will have to correct them at their own expense. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

16. REVIEW/DISCUSSION/ACTION ON LOCATING A JAIL FACILITY IN BLOCK 10 OF ORIGINAL TOWN

City Manager New stated that she has not received anything from Povondra reference the jail facility. Councilmember Nelsen spoke with County Commissioner Ravenscroft and they had received something and were in the process of reporting to City Manager New. Some of the Councilmembers feel that the County would like to start on the Memorandum of Understanding on this project. The County Commissioners would like to place this item on their next agenda for discussion.

The proposal today would be for a 2 story facility. The Council would like to have it with a basement. The construction should encompass all of the space available on the city owned lot to the south end. The Council has expressed their concern to the Commissioners that the City would like to have their offices on the ground floor. The MOU should be provided by the County to the City.

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

City Manager New discussed the cost recap on the law enforcement communication center. The cost recap included dispatcher salary, teletype services, director salary, tower and equipment repair, operating supplies and other equipment repair. The total communication expense for 2002 was \$131,557.51 and the proposed contract is for \$65,778.75 to be paid by the City to the County. This is almost double the rate that the City of Valentine is currently paying. The previous contract was last negotiated in 1989.

One aspect of this contract is that the first payment is being requested during our current fiscal year and the amount has not been budgeted. It was suggested by the Council that there should be a 5 year incremental raise in the contract instead of a large increase such as this. City Manager New is to negotiate this further with the County.

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18. NDA AIRPORT PROJECT 3-31-0084-02

Review/discussion/action:

Resolution adopting and approving the execution of an agency agreement with the Department of Aeronautics; Sponsor Certification - Selection of Consultants; Airport Sponsor Certification - Real Property Acquisition

The Resolution is a continuation of the airport real estate purchase and the upgrade/improvements at the airport. This would allow the NDA to act as an airport agent on this project. The Council received a Resolution and a sample agreement on the project. The agreement explains what the NDA will do for the City for this project.

The NDA will help us select an engineer and estimate how many hours for the project. They will also assist in the purchase of the real estate. They will help monitor the progress on it.

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

19. REVIEW/DISCUSSION/ACTION ON RESOLUTION TO ESTABLISH AGENDA SETTING PROCEDURE

The Council received a Resolution to establish an agenda setting procedure. The Resolution would establish the guidelines on placing items on the agenda for the Council meetings. This procedure was a suggestions that was received during the League of Municipality meeting.

Councilmember Nelsen made the motion to adopt the Resolution on setting the agenda. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Councilmember Neujahr left the meeting at this time.

20. MEETING ADJOURNED

With no further business before the Council, Councilmember Nelsen made the motion to adjourn. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Absent: Neujahr. 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 July 12, 2003.

John Hanzlicek
City Clerk