

City of Valentine
Special Council Meeting
City Library Meeting Room
June 30, 2003

A special meeting of the City Council of the City of Valentine, Valentine, Nebraska was held June 30, 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 and posted in three public locations prior to said meeting. 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. REVIEW/DISCUSSION/ACTION ON THE MAY 2003 CLAIMS & PAYROLL \$474,844.08

The Council reviewed and asked questions on claims as they were presented to them. Councilmember Nelsen asked why if a contractor did not put in a wire correctly why we would have to pay Layne Western to look at the well when the problem was in the wiring that was installed. The City expects some type of reimbursement for this problem. This matter has been turned back over to the engineers. Councilmember Neujahr made the motion to approve of the Claims & Payroll as presented in the amount of \$474,844.08 noting that a follow-up needs to be done on the payment being made to Layne Western in the amount of \$1,720.00. Second by Councilmember Nieuwenhuis. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

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

The Council received and reviewed a final draft of the proposed Ordinance No. 2003-2010SW amending the Solid Waste Ordinance Chapter 3, Article 9 of the Municipal Code. Councilmember Balliet introduced Ordinance No. 2003-2010SW entitled: City of Valentine Solid Waste Management Ordinance.

Councilmember Neujahr moved that Statutory Rule requiring readings 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, AMENDING CHAPTER 3, ARTICLE 9 F THE MUNICIPAL CODE OF THE CITY OF VALENTINE, NEBRASKA, ORDINANCE NO. 77-629M, AND ORDINANCES NOS. 82-900, 87-927M, 94-991SL AND 2000-1071M, RELATING TO THE ENVIRONMENTAL, HEALTH AND SANITATION OF SOLID WASTE FLOW AND MANAGEMENT IN THE CITY OF VALENTINE, NEBRASKA, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: COLLECTION, TRANSPORT AND DISPOSAL OF GARBAGE, RUBBISH, TRASH AND WASTE AS DEFINED IN VALENTINE MUNICIPAL CODE 4-201 THROUGH 4-203, INCLUSIVE, AND SOLID WASTE AS DEFINED IN NEBRASKA TITLE 132: "INTEGRATED SOLID WASTE MANAGEMENT REGULATIONS"; PROVIDING FOR THE JURISDICTION OF THE ORDINANCE; PROVIDING FOR THE MANAGEMENT OF THE VALENTINE SOLID WASTE DISPOSAL FACILITY AND THE REDUCTION AND RECYCLING BULK WASTE FACILITY; PROVIDING FOR THE NUMBER OF PICKUPS PER WEEK; PROVIDING FOR RATES BY RESOLUTION; PROVIDING FOR COLLECTION SERVICES,

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RECYCLING SERVICES, BULK WASTE DISPOSAL, LICENSING OF HAULERS, AND LICENSE FEES; PROVIDING FOR THE CONTINUATION OF THE SECTIONS OF CHAPTER 3, ARTICLE 9 OF THE MUNICIPAL CODE, ORDINANCE NO. 77-629M, AND ORDINANCES NOS. 82-900, 87-927M, 94-991SL AND 2000-1071M, EXCEPT WHERE AMENDED BY THE TERMS HEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

This document was sent to Lash Chaffin of the League of Municipalities for review prior to being presented to the Council. He was comfortable with the document and the inclusion of the occupation tax fee. Councilmember Nelsen made the motion for final passage. Second by Councilmember Balliet. Councilmember Balliet asked if Ordinance No. 2003-2010SW 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. 2003-2010SW having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

4. REVIEW/DISCUSSION/ACTION ON THE APPLICATION FOR SOLID WASTE HAULER'S LICENSE

The Council was presented a proposed form entitled Application for Solid Waste Hauler's License. This form would be used for haulers that need to be licensed to haul household waste, limited asbestos waste, petroleum contaminated soil waste, construction and demolition waste and temporary entry permits. It was noted that commercial haulers would be affected by this requirement also. Yard waste can only be taken to the old landfill. This matter will be handled when it arises.

Councilmember Neujahr made the motion to approve of the Application for Solid Waste Hauler's License form. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

5. REVIEW/DISCUSSION/ACTION ON ORDINANCE NO. 2003-2011SW PROVIDING FOR AN OCCUPATION TAX FOR INDEPENDENT SOLID WASTE HAULERS

Discussion of the proposed Ordinance No. 2003-2011SW was held in reference to the \$7.55 per month to be paid to the City of Valentine by the independent hauler. City Clerk Hanzlicek asked if a separate charge should be considered for commercial accounts due to the existing charges being collected versus what is being proposed. As long as the tonnage is taken to the Valentine Landfill then the rates should not be dramatically affected.

Councilmember Neujahr moved that Statutory Rule requiring readings on three different days be suspended. Second by Councilmember Nelsen. 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, AMENDING CHAPTER 10, ARTICLE 4, THE MUNICIPAL CODE OF THE CITY OF VALENTINE, NEBRASKA, ORDINANCE NO. 77-629M, PROVIDING FOR THE ADDITION OF SECTIONS 10-405 THROUGH 10-409 TO THE MUNICIPAL CODE; BY PROVIDING FOR AN OCCUPATION TAX FOR INDEPENDENT SOLID WASTE HAULERS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

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Councilmember Nelsen made the motion for final passage. Second by Councilmember Balliet. Councilmember Balliet asked if Ordinance No. 2003-2011SW 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. 2003-2011SW having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

Councilmember Neujahr reiterated that the penalties in both of these Ordinances are to be enforced including illegal dumping.

6. MEETING ADJOURNED

With no further business before the Council, Councilmember Rhoades made the motion to adjourn. Second by Councilmember Balliet. 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 July 5, 2003.

John Hanzlicek
City Clerk