

City of Valentine
Regular Council Meeting
City Library Meeting Room
August 18, 2003

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held August 18, 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:

There was not a civic group listed on the agenda, therefore, no presentation was made.

3. CONSENT AGENDA

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

4. *REVIEW OF VARIOUS BOARD MINUTES:

- a) **Planning Commission Meeting of August 4, 2003**
- b) **Cemetery Board Meeting of August 11, 2003**
- c) **Library Board Meeting of August 5, 2003**

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

5. *APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF JULY 21, 2003

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

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6. *APPROVAL OF THE JULY 2003 RECEIPT REPORT

Councilmember Neujahr made the motion to approve of the July, 2003 Receipt Report in the amount of \$398,733.08 as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

7. REVIEW OF THE JULY 2003 FINANCIAL REPORTS

The July 2003 financial reports were not presented to the Council at this time.

8. *APPOINTMENT OF THE FOLLOWING TO THE BOARD OF ADJUSTMENT FOR THE TERM OF 06/03 TO 06/06: MIKE SCHUBAUER AND NORMAN BLUME

Councilmember Neujahr made the motion to appoint Mike Schubauer and Norman Blume to the Board of Adjustment for the term of 06/03 to 06/06. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

9. REVIEW/DISCUSSION/ACTION ON CLAIMS AND PAYROLL FOR JULY 2003

The Council received and reviewed the Claims and Payroll list for July 2003 in the amount of \$431,806.80. Councilmember Nelson made the motion to approve the July 2003 Claims and Payroll in the amount of \$431,806.80 as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

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

John Ravenscroft was in attendance representing the Cherry County Commissioners in their request to negotiate the dispatcher agreement. Mr. Ravenscroft presented a hand written summary of operational expenses and recap of activities relating to the dispatcher office. The City of Valentine is currently paying \$37,501.00 annually since 1989 according to the agreement. The agreement has a clause whereby the County can request an increase of up to 5% annually. The County has not requested a change since 1989. Cherry County is now asking a reimbursement of \$65,778.75 annually. This would be an increase of \$28,277.75. He noted that Cherry County is housing all of the City of Valentine prisoners at no charge.

The County board members were reviewing the budget and noticed that this line item figure had not changed in some time. Councilmember Balliet suggested that since a request was not made by the County on the agreement that the County board members were satisfied with the agreement. Now, a request is being made to increase the contract and it should only be increased by 5%. Councilmember Balliet also stated that the County taxes the Valentine residents for dispatch services and so if the City of Valentine also requests a tax amount to pay to the County, then the Valentine residents are being taxed twice.

Discussion was held on the timing of any contract amount changes due to the different fiscal years of the entities. Dave Beman commented that approximately 85% of the tax dollars are paid by rural tax payers and that 80% of the usage of the dispatchers is by the Valentine residents.

Councilmember Balliet stated that the concern is an almost 50% increase in the amount being requested and the fact that the Valentine citizens are already paying for this through the county tax levy request and the city tax request.

Lee Petersen commented that the city has chosen to have a police department and has not chosen to have a dispatch, and instead is using the county dispatch.

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Councilmember Rhoades stated that the amount being requested now is too large of a change in too short a period of time with the budget coming up. Also, when the NOAA radio contribution was requested, there were comments at that time about double taxation on the Valentine residents. We need to try to look at all of the issues and work together on this.

Rick Medema suggested that the city has one figure and the county has another figure, form a committee and work toward an agreement.

Councilmember Nieuwenhuis made the motion to have the 2 council members on the jail committee to work on the dispatcher agreement with the county. Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

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

The City of Valentine received a revised estimate on the cost of constructing a 6,700 SF city hall at \$75.00 per foot plus 20% contingency to be \$603,000. This would be to remodel the old fire station space. This estimate did not include relocation costs and demolition fees. It did include 2 other items to be considered: \$20,000 for a sprinkler system for fire suppression and \$20,000 for landscape/hardscape.

Councilmember Neujahr asked Mr. Ravenscroft what the plans would be for the old courthouse. The plan now would be to let it sit. There are people who would like to tear it down but it is 100 years old and an historical building. All of the court personnel now are to be relocated into the new building. She then asked Rick Medema if there are grants available for historic buildings. He said that there may be but it would depend on the use of it. He would have to research something like this. She stated that it was suggested to her to have the city and county swap buildings and then remodel/maintain the building with grant funds.

The County is looking at having a sales tax issue to help pay for the jail facility. Councilmember Rhoades suggested on having a joint city/county meeting. Mr. Ravenscroft is hoping to have the bond issue question on the next election ballot. Councilmember Rhoades stated that information on a bond issue needs to be circulated within the community well ahead of time for the public to form an opinion. There needs to be more information gathered before a joint meeting can be held.

Councilmember Nelsen made the motion that the City Council is to meet with the Cherry County Commissioners. Discussion followed and the motion died for a lack of a second.

Mr. Ravenscroft explained that the question for the County is whether they can assess a sales tax or not. It has to be approved by the voters. If the county were to have a sales tax in place (for example 1/2 percent) and then the city adopted a sales tax (for example 1 percent), then the Valentine residents would be charged 1.5% on sales within the community and there would be a 1/2 percent sales tax in the remainder of Cherry County. If the city had a sales tax established and then the county adopted a sales tax, then the Valentine residents would have a 1% sales tax and the county residents would have a 1/2% sales tax. The County Commissioners could not impose another sales tax on top of the Valentine residents if one is already in place. This is a new concept and more research needs to be done to get some final answers. Mr. Ravenscroft explained that they would like to split the cost of a jail facility between a sales tax and property taxes and let the people who come through Valentine help pay for the facility.

City Manager New will work with Mr. Ravenscroft on the issue and request that a meeting between the city and county be called at a later date.

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12. REVIEW/DISCUSSION/ACTION ON THE REQUEST TO CONSUME ALCOHOLIC BEVERAGES IN THE CITY PARK BY THE VALENTINE ROTARY CLUB ON AUGUST 21, 2003

Neil Connot was in attendance, representing the Valentine Rotary Club, to request permission to consume alcoholic beverages in the City Park on August 21, 2003. Mr. Connot acknowledged receiving a copy of the rules and regulations on the consumption of alcohol in the park. Councilmember Nelsen made the motion to approve this request. Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Nieuwenhuis. Nay-none. Abstain-Rhoades. 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 FINAL SUBDIVISION PLAT FOR THE FOLLOWING:

**Lots 1 & 2 of Schubauer's Subdivision of Pt. of the SE 1/4
Section 36 T33N, R28W for owner Greg Schubauer**

Pursuant to notice in the Valentine Midland News, a Public Hearing was opened at 7:34 p.m. to receive comments on the final subdivision plat for Lots 1 & 2 of Schubauer's Subdivision of Pt. of the SE1/4 SE1/4 SE1/4 Section 36 T33N R28W for owner Greg Schubauer. Lloyd Smith was in attendance to represent the owner. City Clerk Hanzlicek explained to the Council that once he has certified that the monumentation is in place, then a report will be prepared and presented to the Council. This final plat had been reviewed by the Planning Commission and they recommended approval. Questions were asked about the legal description being used on the final plat.

Councilmember Nieuwenhuis made the motion to close the hearing. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The hearing was closed at 8:04 p.m.

14. REVIEW/DISCUSSION/ACTION ON RESOLUTION TO ACCEPT OR REJECT THE FINAL SUBDIVISION PLAT FOR THE FOLLOWING:

**Lots 1 & 2 of Schubauer's Subdivision of Pt. of the SE 1/4
Section 36 T33N, R28W for owner Greg Schubauer**

Councilmember Rhoades made the motion to adopt a Resolution to approve the final subdivision plat for Lots 1 & 2 of Schubauer's Subdivision of Pt. of the SE1/4 SE1/4 SE1/4 Section 36 T33N R28W for owner Greg Schubauer contingent upon the City Clerk's approval of the report. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

15. 7:45 P.M. PURSUANT TO NOTICE IN THE VALENTINE MIDLAND NEWS, A PUBLIC HEARING WILL BE HELD AT 7:45 P.M. TO RECEIVE COMMENTS ON THE APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT REFERENCE A RADIANT HEATING MANUFACTURING FACILITY

Pursuant to notice in the Valentine Midland News, a Public Hearing was opened at 7:45 p.m. to receive comments on the application for a Community Development Block Grant reference a radiant heating manufacturing facility. Dave Gilfillan from the Nebraska Department of Economic Development was in attendance to help explain the CDBG process. Mr. Gilfillan explained the MOU that the City of Valentine would be entering into with Mr. Kirk Sharp and the NDED. Mr. Sharp's business make radiant cove electric heating systems and is currently located in another city in Nebraska and is looking for a location to expand. Mr. Sharp has been offered an incentive to move his business to another state but he would like it to remain in Nebraska if possible. In the MOU there is a request of \$186,000 as part of a financial package of which \$6,000 comes to the City of Valentine as a grant for administrative expenses. The remaining \$180,000 is a performance based loan in which 8 jobs must be created within 3 years with at a certain wage rate. If these conditions are met then the loan is forgiven.

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Kirk Sharp was in attendance and introduced himself to the Council. During discussion it was noted that the City of Valentine is not putting up any money for this project. It is acting as a clearinghouse for the CDBG funds for the project. The City of Valentine will receive \$6,000 toward administration expenses. A city or county are the only entities to receive these funds which can then loan it back to the company. Mr. Sharp stated that the business has grown the last few years and he has run out of space at his current location. He would like to remain competitive in the industry.

Dave Beman asked if there was a hypothetical default, would it shift the liability back to the city to reimburse the federal grant? Mr. Gilfillan answered that the city has a contract for the administration part and not the financial.

Mr. Sharp stated he has 6-7 people and likes to employ the local farmers and ranchers. He is hoping that some of his current employees come with him since they have the option to do so.

Councilmember Nelsen made the motion to close the public hearing. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The public hearing was closed at 8:16 p.m.

16. REVIEW/DISCUSSION/ACTION ON THE FOLLOWING ITEMS PERTAINING TO A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION:

- a) **Adoption of Resolution authorizing the Chief Elected Official to execute documents on behalf of the City of Valentine with the Nebraska Department of Economic Development**
- b) **Approval of the memorandum of Understanding with the Nebraska Department of Economic Development and Radiant Systems, Inc.**
- c) **Approval of the Authorization to Request Community Development Block Grant Funds**

At the conclusion of the public hearing, Councilmember Neujahr made the motion to adopt a Resolution to authorize the chief elected official to sign the application for the CDBG funds. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Councilmember Nelsen made the motion to approve the Memorandum of Understanding. 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 the Authorization to Request Community Development Block Grant funds. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Councilmember Nelsen made the motion to take a 10 minutes recess. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The Council went into recess at 8:21 p.m.

Councilmember Balliet made the motion to return to open session. Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The Council returned to session at 8:32 p.m.

**17. REVIEW/DISCUSSION/ACTION ON CHANGES IN THE CITY OF VALENTINE
EMPLOYEE HEALTH INSURANCE**

Prior to discussing this item, the question of whether or not the Council can act on this item since it may be considered part of the union contract. The Council does need to look at the healthcare costs because it is going extremely high. Councilmember Nieuwenhuis did not know for sure if it could be done in the middle of a contract term but he could make a phone call to find out. One may be able to change the deductible portion but he did not know about the dependent coverage.

There were several different options that may be considered. If the plan remains the same, the increase in health insurance premiums for the next year is \$90,735.60. It was noted that during the union negotiations, this benefit was discussed and the employee representative was advised that they may have to start paying a percentage of the insurance coverage. It continues to go higher and it is a large expense.

Councilmember Nieuwenhuis made the motion to table this item until more research can be done on it. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**18. REVIEW/DISCUSSION/ACTION ON RESOLUTION TO AUTHORIZE OVERTIME
PAYMENT TO THE OFFICERS OF THE VALENTINE POLICE DEPARTMENT FOR A
PERIOD OF AUGUST 27, 2003 TO SEPTEMBER 23, 2003**

Police Chief McLean has requested that overtime compensation be granted to the police officers because of the manpower shortage in the department. He does not want the compensation time to accumulate any more than it has. City Manager New stated that this request would be for the chief and the existing officers. The new officers would not be eligible for overtime compensation. This would be for only the time period specified.

Councilmember Nieuwenhuis made the motion to adopt a Resolution to allow overtime pay for the Valentine Police officers during the period August 27, 2003 to September 23, 2003. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**19. REVIEW/DISCUSSION/ACTION ON THE FOLLOWING REQUEST FOR DUES/
MEMBERSHIP:**

- a) Central Nebraska Economic Development District
- b) Northeast Nebraska Agency on Aging

The Council received information on two different organizations requesting dues. The Central Nebraska Economic Development District is a new organization that will be attempting to foster economic development within its district.

The Council reviewed the signed agreement with the Northeast Nebraska Agency on Aging. The dues request has increased from \$445 to \$1,003. Valentine is 1 of 2 cities that pay these dues. All of the other memberships are from the Counties in the district. This organization provides services to the over 60 population and dues are calculated based on the over 60 population. The organization does help distribute federal monies within Cherry County.

Councilmember Nieuwenhuis made the motion to table agenda item (b) until the next regular meeting to get more information. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

The Central Nebraska Economic Development District is asking for \$4,230. You pay for dues, ask for help and then pay for their help as well. Jerry Adamson and Bob Gustafson are involved in this organization. There are a lot of funds available and this group would be the avenue to get those funds. They are asking for a lot of money up front and they have not had a chance to prove themselves. How many other communities are going to contribute? At the development meetings, nothing was mentioned that there would be a \$1.50 per capita charge to fund the CNEDD.

Councilmember Nelsen made the motion to table agenda item (a) pending further information. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

20. REVIEW/DISCUSSION/ACTION ON THE FIRST READING OF ORDINANCE NO. 2003-2012M, REFERENCE ANNEXATION OF THE FOLLOWING:

A tract of land being part of NE1/4 Section 6, T33N, R27W of the 6th P.M. to the City of Valentine, NE known as the Tradewinds Lodge area

The first reading of the Ordinance was done by title by the City Attorney:

AN ORDINANCE OF THE CITY OF VALENTINE, NEBRASKA, ANNEXING TO, AND INCLUDING WITHIN, THE CORPORATE LIMITS OF THE CITY OF VALENTINE, NEBRASKA, A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER, SECTION SIX, TOWNSHIP THIRTY-THREE NORTH, RANGE TWENTY-SEVEN, WEST OF THE SIXTH PRINCIPAL MERIDIAN, CHERRY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SECTION 6; THENCE N8910'00"W ALONG THE EAST-WEST QUARTER SECTION LINE A DISTANCE OF 1,251.3 FEET, THENCE N1415'00"W A DISTANCE OF 97.7 FEET TO THE POINT OF TRUE BEGINNING; THENCE N8942'00"E A DISTANCE OF 108.19 FEET; THENCE N1415'00"W A DISTANCE OF 859.19 FEET TO THE SOUTH LINE OF DOUG STREET AS PLATTED; THENCE S7541'00"W ALONG THE SOUTH LINE OF SAID DOUG STREET A DISTANCE OF 513.10 FEET; THENCE S1411'04"E A DISTANCE OF 731.60 FEET; THENCE N8942'00"E A DISTANCE OF 421.40 FEET TO THE POINT OF TRUE BEGINNING, SAID TRACT OF LAND CONTAINING 9.38 ACRES MORE OR LESS WHICH IS CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF VALENTINE; PROVIDING THAT THE INHABITANTS OF SUCH AREA SHALL BE SUBJECT TO THE ORDINANCES AND REGULATIONS OF THE CITY OF VALENTINE; PROVIDING FOR THE FURNISHING OF BENEFITS TO THE INHABITANTS OF SAID TERRITORY; 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 WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

21. REVIEW/DISCUSSION/ACTION ON ORDINANCE NO. 2003-2013M, AMENDING THE BUDGET ORDINANCE

The City staff received information from the League of Nebraska Municipalities regarding an amendment that should be made to our city code to get our laws to coincide with changes in the state statute by the legislature. This is a League proposed amendment for cities of the second class.

Councilmember Balliet introduced Ordinance No. 2003-2013M entitled: Fiscal Management; Budget Statement.

Councilmember Neujahr 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 suspended for consideration of said Ordinance.

The Ordinance was read by title:

AN ORDINANCE AMENDING SECTION 1-802, "FISCAL MANAGEMENT; BUDGET STATEMENT"; OF THE VALENTINE MUNICIPAL CODE AS ESTABLISHED IN ORDINANCE NO. 77-629M, TO ELIMINATE THE AUGUST 1 FILING REQUIREMENT; TO REQUIRE THAT

THE PROPOSED BUDGET STATEMENT BE AVAILABLE PRIOR TO PUBLICATION OF THE HEARING NOTICE; TO REQUIRE INFORMATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR INSTEAD OF THE IMMEDIATE TWO PRIOR FISCAL YEARS, TO HARMONIZE WITH STATE LAW, PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

Councilmember Rhoades moved for final passage. Second by Councilmember Nelsen. The Mayor asked if Ordinance No. 2003-2013M 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. 2003-2013M having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

22. REVIEW/DISCUSSION/ACTION ON APPOINTMENT OF CITY CLERK/TREASURER

City Manager New advised the Council that a few more applications for the City Clerk/Treasurer position have been received. Copies of the applications will be given to the Council and the review committee will meet and schedule an interview. At this point, no certified City Clerk has applied.

23. REVIEW/DISCUSSION/ACTION ON RENEWAL OF GYMNASIUM LEASES FROM AUGUST 1, 2003 TO JULY 31, 2004:

a. Room 1 and 5	\$250.00 monthly	4-6 Club
b. Room 2	\$200.00 monthly	Northwest Community Action

Discussion was held on the legal status of the lease agreement with the 4-6 Club. The lease is under the name of Jacque Santos-Delgado DBA 4 to 6 Club. The 4-6 Club is not a legal entity and a legal entity needs to sign a lease. The Youth Activities organization does not have anything to do with this group. The lease could be amended if proper documentation is provided. The City of Valentine needs to deal with 1 person only on this agreement. The 4-6 Club does not have a legal existence.

Councilmember Nelsen made the motion to approve of the lease agreement to Jacque Santos-Delgado dba 4-6 Club for Rooms 1 and 5 in the gymnasium. Second by Councilmember Neujahr. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

The Northwest Community Action is renting 1 room now but they are also using another room at this time. If they decide to rent the other room, a lease agreement will be presented to the Council at a later date.

Councilmember Rhoades made the motion to approve of the lease agreement to Northwest Community Action for Room 2 in the gymnasium. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

24. REVIEW/DISCUSSION/ACTION ON AUTHORIZATION FOR THE CITY OF VALENTINE TO FILE CONDEMNATION SUITS REFERENCE AIRPORT PROJECT 3-31-0084-02

City Attorney Coupland updated the Council on the status of the land acquisition for the airport runway relocation project. A settlement may have been reached with Mr. Jack Bond on his land with an irrigation pivot. Communications have been sent to the other land owners involved in this project. John and Mary Borman are one land owner. Sherrie Drinkwalter and Julie Richtner are the other land owner. Both are represented by Jerry O’Kief. One of the grant requirements is to prove to the federal government that we are making progress on acquiring land for the project. Our deadline is September 1, 2003. The City does not have any correspondence back from Mr. O’Kief on behalf of his clients. Mr. Coupland is being asked to be authorized to proceed with condemnation against Mr. & Mrs. Borman and Julie Richtner and Sherrie Drinkwalter.

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Councilmember Rhoades made the motion to authorize the City Attorney to proceed with the condemnation process against John and Mary Borman and against Sherrie Drinkwalter and Julie Richtner. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

25. REVIEW/DISCUSSION/ACTION ON RESOLUTION TO ACCEPT MILLER FIELD GRANT, AIRPORT PROJECT 3-31-0084-02

The City of Valentine applied for this 3 year accumulation grant whereby each year, \$150,000 has been set aside by the federal government for the runway extension project. There has now been \$450,000 accumulated for the project and the City of Valentine needs to agree to enter into the grant project. This is a 90% grant for the project which includes the installation of another beacon which would allow for jet airliners to land at our airport.

Councilmember Nelsen made the motion to adopt the following Resolution:

WHEREAS, the City of Valentine, Nebraska, has undertaken a runway extension project at Miller Field, AIP Project No. 3-31-0084-02, Valentine Airport (Miller Field), Valentine, Nebraska; and

WHEREAS, funds are available from a development grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Valentine, Nebraska, as follows:

1. The City of Valentine, Nebraska, hereby approves the Grant Documents for the proposed runway extension project at Miller Field, AIP Project No. 3-31-0084-02, Valentine Airport (Miller Field), Valentine, Nebraska, for a development grant of \$450,000.
2. The City of Valentine, Nebraska, hereby authorizes the President of the Valentine City Council, *ex officio* Mayor, to execute on behalf of the City of Valentine, Nebraska, any and all documents necessary to implement the grant.

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

26. NEW BUSINESS:

- a. Mill Pond update
- b. Fiscal Year 2003-2004 budget committee
- c. City Third Addition land
- d. Selecting date for special council meeting

City Manager New advised the Council that a meeting was held 2 weeks ago to discuss the problem of silting at the Mill Pond. There was another conference call this past week and a solution to the problem has not been proposed. There may be improper suction to keep the silt from collecting.

The City Manager asked the Council on how they wanted the budget handled for the next fiscal year. Councilmember Nelsen made the motion to have a meeting on Monday, September 8, 2003 at 7:00 p.m. for budget review. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Dave Beman commented that last year 2 budget meetings were held in August. He also had the Nebraska Budget Act if anyone wanted to review the dates.

Discussion was held on selling the land that the city owns in City Third Addition. The city is paying taxes on this land so now it is an expense to the city. The City Attorney suggested that the taxable status should be appealed based on recent court case decisions.

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27. MEETING ADJOURNED

With no further business before the Council, Councilmember Rhoades made the motion to adjourn. Second by Councilmember Nieuwenhuis. 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 August 29, 2003.

John Hanzlicek
City Clerk