

City of Valentine  
Special Council Meeting  
Cherry County Commissioners Meeting Room  
October 28, 2003

A special meeting of the City Council of the City of Valentine, Valentine, Nebraska was held October 28, 2003 at 6:30 p.m. in the Cherry County Commissioners Meeting Room in conjunction with the Cherry County Commissioners, the same notice of meeting being 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 prior to the start of the meeting.

#### **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, and legal representative Coupland. City Clerk Woodcock recorded the minutes.

#### **2. REVIEW/DISCUSSION/ACTION ON NEGOTIATIONS ON A DISPATCHER AGREEMENT**

County Commissioner John Ravenscroft presented the latest proposal for a dispatcher agreement to the Valentine City Council. The current agreement is for \$37,501.00 per year. Originally the County proposed an increase to one-half of the total communications expense of \$131,557.51. That amount would have been \$65,778.75. City Manager New sent a letter to the County Commissioners proposing that the City of Valentine pay 10% above the current agreement or \$41,250.00. After reviewing the City budget, the Commissioners agreed that the \$41,250.00 represented all that the City of Valentine could pay for the 2003-2004 fiscal year. Commissioner Ravenscroft went on to state that they would like to see an increase of \$5900.00, which would be one-half of the equipment maintenance, for the 2004-2005 fiscal year to \$47,151.00 and a 20% increase in the 2005-2006 fiscal year to \$56,581.00.

City Councilmember Neujahr brought up the fact that City of Valentine residents already pay taxes for the dispatcher service through county taxes and wondered if expecting them to pay double was really fair. Councilmember Nelsen indicated that it was the Council's belief that the agreement was supposed to be negotiated yearly but it had been fourteen years since the last agreement was drawn up. Councilmember Nieuwenhuis asked who trained the dispatchers because he had gotten several complaints regarding the service provided by the dispatchers. Commissioner Ravenscroft indicated that any complaints or problems should be referred to Cherry County Sheriff, Melvin Christensen, who is the Communications Officer.

A comment was made from the floor by former Valentine Police Chief, James Lutter, that since Cherry County has a communications budget, there should be no need for further revenue from the City of Valentine to cover the communications equipment. He further stated that the original agreement was drawn up between Cherry County and the City of Valentine to take care of the dispatchers' salaries.

More discussion was entered into concerning the amount of the dispatcher agreement and when further negotiations should commence for next year's agreement. Cherry County indicated that any salary increases for the dispatchers go into effect on January 1, 2004. Councilmember Rhoades recommended that a one-year agreement be drawn up for the \$41,251.00 for fiscal year 2003-2004 and that negotiations for next year's agreement begin sometime in June or July of 2004. County Commissioner Ravenscroft indicated that they would like to see the agreement for 2004-2005 start with \$46,261.00.

Councilmember Rhoades stated again that an agreement should only be entered into for this fiscal year and that negotiations begin again in June of 2004 to draw up an agreement for the 2004-2005 fiscal year.

Councilmember Nieuwenhuis made the motion to increase the dispatcher agreement for fiscal year 2003-2004 to \$41,251.00 with four equal payments being made on 11/15/03, 2/15/04, 5/15/04 and 8/15/04. Second by Councilmember Nelsen. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

It was agreed that the Council would next address #4 on the agenda: Review/Discussion/Action on Emergency Protection Travel Agreement instead of #3 on the agenda: Review/Discussion/Action on Locating a Jail Facility in Block 10 of Original Town.

#### **4. REVIEW/DISCUSSION/ACTION ON EMERGENCY PROTECTION TRAVEL AGREEMENT**

The issue of Emergency Protective Custody (EPC) transportation was brought to this joint meeting by the Valentine City Council. Councilman Nelsen asked the question of when a call comes into the dispatcher regarding an EPC at the hospital, who decides what agency responds and who is responsible for the payment? Eric Scott, Cherry County Attorney indicated that the agency that puts a person into custody is responsible for payment of the transportation of that individual. If the person is placed in custody by Valentine City Police personnel within the Valentine city limits, the City of Valentine is responsible for the transportation costs. If, however, the person is placed in custody by Cherry County Sheriff's Department personnel in the Cherry County area, then Cherry County is responsible for the cost of the individual's transportation. The "gray area" begins when an individual walks into the emergency room or is taken to the emergency room by family members or other interested parties other than law enforcement personnel and the hospital determines them to be a danger to themselves or others. Who is expected to respond and who should pay for the transportation?

A question from the audience by Dave Beman determined that the number of these transportations had increased to sixteen in the last fiscal year, which is up from about six in previous years. Discussion followed regarding the hospital's concerns about a protocol as to who they should call in these emergency cases. Discussion continued regarding responsibility for consultant fees when the law enforcement agency requires certification that the individual involved needs to be transported to the hospital in Norfolk. It was suggested that these fees be treated the same as transportation costs but nothing was decided because these fees were not included in the agenda item.

The discussion returned to EPC transportation costs and both Cherry County and the City of Valentine agreed that the transportation costs for those individuals not placed in custody by law enforcement personnel prior to reaching the hospital should be split 50/50 between the county and the city.

Councilmember Nelsen made the motion for the City of Valentine to share equally (50/50) with Cherry County in the EPC transportation costs of individuals who come to the hospital by means other than law enforcement personnel. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

Suggestion was made that meeting take a short recess. Councilmember Nelsen made the motion to take a ten to fifteen minute recess. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. Meeting was recessed at 8:20 p.m.

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Councilmember Rhoades made the motion to resume the meeting at 8:31 p.m. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried and meeting resumed.

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

Commissioner Ravenscroft stated that information from Americus representative, Al Liebman, indicated the city's portion of the proposed Law Enforcement Center would be 1.1 million dollars. Cherry County indicated that a city sales tax might generate revenue, however if the City of Valentine does not collect sales tax, Cherry County can institute a county-wide sales tax to generate revenue for the law enforcement center. Cherry County would like to see the City of Valentine institute a city sales tax and earmark a percentage to the law enforcement center. It was indicated that Dave Miller would be addressing the City Council at their next meeting concerning the sales tax issue. It was noted from the audience by John Hanzlicek that any sales tax issue had to be done correctly the first time or the city would have to wait for two years before it could be placed on the ballot again.

A question was asked by Dave Beman from the audience as to how urgent the need is for a law enforcement center. Cherry County responded that the need is quite urgent as the present jail facility is not in compliance, that there is a liability issue if anyone became injured and that the jail facility has to be inspected every year to make sure it is suitable.

Discussion was entered into as to what needed to be done and what could be done to alleviate the problems with the current situation. It was suggested that City Hall could be moved to the old Cherry County building and that monies for renovation may be available through grants for older building. The question arose, however, as to whether anything would be gained by moving the office from one old building to another. It was noted that the problem of handicapped accessibility might be taken care of by this move if all of the offices could be located on the first floor.

Discussion followed as to why Cherry County wanted to place the law enforcement center in the location it has chosen. It was pointed out that the area is really too small for the type of facility they would like to have and questioned why they would want to tie a new building to two old buildings whose future use is questionable. It was decided that, at this time, the City of Valentine could not contribute any funding and Cherry County should continue on its own. No action was taken.

**7. MEETING ADJOURNED**

With no further business before the Council, Councilmember Nieuwenhuis made the motion to adjourn. Second by Councilmember Nelsen. 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

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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 November 5, 2003.

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Patricia L. Woodcock

City Clerk