

City of Valentine  
Regular Council Meeting  
City Library Meeting Room  
November 17, 2003

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held November 17, 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 Sprague, and legal representative Coupland. City Clerk Woodcock recorded the minutes.

**2. CONSENT AGENDA**

Councilmember Neujahr made the motion to approve of consent agenda items #3, 4, 5 and 6 as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**3. \*REVIEW OF VARIOUS BOARD MINUTES:**

- a) Library Board Meeting of November 4, 2003
- b) Board of Adjustment Meeting of October 16, 2003
- c) Board of Adjustment Meeting of October 30, 2003

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

**4. \*APPROVAL OF THE FOLLOWING CITY COUNCIL MEETING MINUTES:**

- a) Regular Meeting of October 20, 2003
- b) Special Meeting of October 28, 2003

Councilmember Neujahr made the motion to approve of the City Council minutes from the regular meeting of October 20, 2003 and the special meeting of October 28, 2003 as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

**5. \*APPROVAL OF THE 2002-2003 YEAR-END RECEIPT REPORT**

Councilmember Neujahr made the motion to approve of the 2002-2003 Year-End Receipt Report in the amount of as presented. Second by Councilmember Nieuwenhuis. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

**6. \*REVIEW OF THE 2002-2003 YEAR-END FINANCIAL REPORTS**

Councilmember Neujahr made the motion to acknowledge review of the 2002-2003 Financial Reports. Second by Councilmember Nieuwenhuis. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

Regular Council Meeting  
November 17, 2003

**7. REVIEW/DISCUSSION/ACTION ON OCTOBER 2003 CLAIMS AND PAYROLL**

The Council received and reviewed the Claims and Payroll list for October 2003 in the amount of \$702,930.02. Councilmember Nelsen made the motion to approve the October 2003 Claims and Payroll in the amount of \$702,930.02 as presented. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**8. UPDATE BY CITIZENS COMMUNITY INTEREST GROUP. DAVE MILLER, ECONOMIC DEVELOPMENT**

Ron Bauer addressed the Council regarding progress made by the Citizens Community Interest Group. Mr. Bauer indicated that the group had been formed following a presentation by Dave Miller on economic development funds available within the state. He further indicated that the group was formed to identify needs and wants in the Valentine community. Mr. Bauer outlined the needs and wants identified by the committee as follows (in no particular order):

- |                  |                                    |
|------------------|------------------------------------|
| 1) Aesthetics    | 6) Education                       |
| 2) Native Issues | 7) Security                        |
| 3) County/Ag     | 8) Health Care                     |
| 4) Youth         | 9) Business                        |
| 5) Seniors       | 10) Sports/Exercise Opportunities. |

The group then proceeded to narrow down the scope of their list to those things that could be completed in a short time and those that would take longer to complete. They came up with the following suggestions:

The list to be completed ion 1 year:

- 1) Aesthetics
- 2) Youth/Young Citizen Interaction with Adult/Senior Citizens
- 3) Skate Board Park & Youth Activity Facilities
- 4) Community Awareness
- 5) Drug/Alcohol Awareness
- 6) Native Awareness

Those Issues that will probably require more than 1 year for completion:

- 1) Drug/Alcohol Abuse
- 2) Community Marketing/Promotion/Public Relations
- 3) Security
- 4) Economic Development Organization
- 5) EMT's, other Health Care Workers

Mr. Bauer indicated that the Citizens Community Interest Group would like to see more input from other Valentine citizens. To this end, they have planned a Town Hall Meeting at the Holiday Inn Express on December 9, 2003, at 7:00 p.m. and would like to see a large turn-out to discuss these issues. Mr. Bauer also indicated that the group realizes that these projects will require funding and at that point, he turned the meeting over to Dave Miller from the Department of Economic Development so that Mr. Miller could explain funding possibilities to the council.

Dave Miller explained various economic possibilities available through the Local Option Municipal Economic Development Act (LB840) and how those funds might be used to better serve Valentine. He discussed what had been done in other communities and what would be necessary for Valentine to qualify for the funding, including developing a solid economic development plan. Mr. Miller stressed the fact that the plan should be developed carefully and obtain a consensus of the community before presenting it to the voters. Mr. Miller further indicated that Valentine was in a perfect location to take advantage of LB840 and he encouraged Valentine to proceed with the funding process. The Council

Regular Council Meeting

November 17, 2003

thanked both Mr. Bauer and Mr. Miller for taking time to attend the meeting and for the information they provided. No action was taken.

**9. REVIEW/DISCUSSION ACTION ON SEALED BIDS FOR 1982 BUCKET TRUCK**

The Council reviewed the two bids that were received on the 1982 bucket truck.

Nelsen Plumbing & Heating	\$10,501.00
---------------------------	-------------

Village of Winside	\$12,505.00
--------------------	-------------

Councilmember Nelsen made the motion to accept the bid from the Village of Winside for \$12,505.00 for the 1982 bucket truck. Second by Councilmember Nieuwenhuis. Councilmember Rhoades inquired as to whether some form of downpayment had been received and City Manager New indicated that the advertisement for the truck had not required a downpayment with the bid. With no further discussion and a motion on the table, Chairperson Balliet asked for the roll call. Roll call vote: Aye- Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**10. REVIEW/DISCUSSION/ACTION ON REQUEST BY NEIL G. WESCOTT FOR SITING APPROVAL FOR A CONSTRUCTION LANDFILL ONLY**

Neil Wescott was in attendance to answer questions regarding his request for siting approval for a construction landfill. Councilmember Balliet stated that the Council had questions concerning this request such as where the land is located. He indicated that the information should be submitted to City Manager New, who could direct Mr. Wescott on where to go and how to begin this procedure. Councilmember Balliet turned the floor over to City Manager New so that she could instruct the Council on the procedure for setting up a construction landfill.

City Manager New directed the Council's attention to material she had received from DEQ regarding setting up a construction landfill. Mr. Wescott had asked whether his request had to go before the Planning Commission and City Manager New indicated that the City needed the location of the land for the proposed landfill so that the City Building Inspector could check on it. She asked if Mr. Wescott had surveyed the property and he indicated that he had not. He further indicated that the County Planning Commission had a description of the land because the request had to go through them first. He stated that the land had to be reclassified from agricultural to industrial. Mr. Wescott indicated that the permit stated if the landfill is within three miles of the city, the city had to be notified.

Councilmember Rhoades questioned whether the request had to go through the City Planning Commission and Mr. Wescott indicated that was his question as well. He indicated that it was his understanding that if it was within one mile of the city, it would have to go to the Planning Commission and otherwise it would not. City Manager New indicated that the City would need to have something in writing stating where the land is located, etc., such as a copy of the application before a determination could be made. He stated that the site was approximately 2 1/2 miles northwest of the City. She asked Mr. Wescott if he had filled out the application and he indicated that he had not because without approval for the site, there was no reason to fill out the rest of the information because the fee was non-refundable.

City Manager New indicated the DEQ documents state that all documents must be made available to the public at the local governing body's office and the City has not received any documents pertaining to this request. Several Councilmembers expressed concerns regarding their lack of knowledge of the legalities surrounding landfill placement as well as lack of the site location. Councilmember Neujahr indicated that without the exact location of the proposed

Regular Council Meeting  
November 17, 2003

landfill site, the Council could not give blanket approval for the site. She further indicated that a map was required to show wetlands, boundaries, etc. and without it, the Council could not make an informed decision.

After careful consideration, the Council decided that they needed more time to study the material presented and a more precise location of the proposed site before they could make an informed decision concerning Mr. Wescott's request. No action was taken.

**11. REVIEW/DISCUSSION/ACTION ON ORDINANCE NO. 2003-2016M TO ADOPT A ZONING AMENDMENT TO CHANGE LOTS 24A AND 24B, EVERGREEN ADDITION TO THE CITY OF VALENTINE FROM HIGHWAY COMMERCIAL TO LIGHT INDUSTRIAL**

City Manager New stated that originally this zoning change had been requested by Mike Schubauer. She further stated that Mr. Shubauer's lot, Lot 24A, had recently been sold to Stan Weander and that Mr. Weander was in attendance to address the Council regarding his feelings about the zoning change. Mr. Weander indicated that he had not known about the zoning change when he bought the property and that he would like the issue tabled until he had a chance to investigate what the zoning change would mean to him and whether his neighbors on Lot 24B were adamant about the change.

Councilmember Nelsen made a motion to table Item #11. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-None. Motion carried.

**12. PASSAGE OF ORDINANCE NO. 2003-2017M, AN ORDINANCE OF THE CITY OF VALENTINE, CHERRY COUNTY, NEBRASKA DESIGNATING WESTERN STREET FROM DONOHER TO COWBOY TRAIL**

Councilmember Balliet introduced Ordinance No. 2003-2017M designating Western Street from Donoher to Cowboy Trail. Legal representative Coupland explained that this ordinance was created merely to designate an area that already belongs to the city as a street so that it will be eligible for all of the things that streets are eligible for. Councilmember Neujahr moved 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, DEDICATING THE FOLLOWING REAL ESTATE FOR USE AS A STREET; A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4), SECTION THIRTY-SIX (36), TOWNSHIP THIRTY-FOUR (34) NORTH, RANGE TWENTY-EIGHT (28) WEST OF THE 6TH P.M. IN THE CITY OF VALENTINE, CHERRY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SAID SE1/4SE1/4, SECTION 36; THENCE EASTERLY ON THE NORTH LINE OF SAID SE1/4SE1/4, A DISTANCE OF 79.5 FEET; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF SAID SE1/4SE1/4 TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE OLD CHICAGO AND NORTHWESTERN RAILROAD; THENCE WESTERLY ON SAID RIGHT-OF-WAY TO THE WEST LINE OF SAID SE1/4SE1/4, SAID POINT BEING THE SOUTHEAST CORNER OF BLOCK TWO (2), COLBURN'S ADDITION; THENCE NORTHERLY ON THE WEST LINE OF SAID SE1/4SE1/4 TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 0.42 ACRES MORE OR LESS; 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.

Councilmember Nelsen moved for final passage. Second by Councilmember Nieuwenhuis. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried. The passage and adoption of said Ordinance No. 2003-2017M having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted.

### **13. REVIEW/DISCUSSION/ACTION ON AIRPORT FBO/MANAGER AGREEMENT**

Mr. Bob Kilmer was in attendance to address the Council regarding an Airport FBO/Manager Agreement. He indicated that he had been at the Valentine Airport for 42 years and that Valentine had not had a paid operator since 1965. He indicated that they did air ambulance service for 35 years but that all of the hospitals have gone to the lifeflight system because it helped them with their liability insurance costs. Mr. Kilmer indicated that the air ambulance service was the majority of their business until it stopped. He further indicated that lately they had been doing airplane maintenance but their liability insurance premiums went up another \$1,000 this year to about \$10,000. Mr. Kilmer indicated that he has not drawn a salary for nearly three years and that he's had to use \$7,500 of his own savings this year so far to keep things going. He stated that Valentine's airport has 20 planes based and stored there and that Ainsworth only has four planes at their airport and they pay a manager about \$28,000.

Mr. Kilmer stated that Valentine has an airport that we can really be proud of and that there aren't many around like it. He stated that they bought their own snow plow about 15 years ago to clear the snow from the runways so that out-of-town doctors could get into the airport at a decent time in the mornings. He also indicated that if he retired, it would be very difficult to find someone to replace him on the same basis. Mr. Kilmer stated that what he was asking for was assistance to help him cover his liability insurance. He stated that his son worked with him and between them they were able to keep a viable airport going. He made a valid point when he stated that the City of Valentine has not had to deal with this problem since 1965. He pointed out that Cherry County should also be involved in the negotiations because they use the airport extensively for medical purposes.

Councilmember Rhoades mentioned the designation as a national airport that Valentine Airport had received and questioned whether money might be available based on that designation. Mr. Kilmer did not think so but that the designation draws attention to Valentine Airport. City Manager New commented on how much the airport had improved particularly in the last few years and noted that Mr. Kilmer had received an award from the FAA for being mechanic of the year. Mr. Kilmer indicated that Valentine Airport had received an award as airport of the year and that he had received an award for being in aviation for 50 years. City Manager New stated that careful thought needed to be given to the issue because it would be difficult to find a mechanic as good as Mr. Kilmer.

A comment was made from Stan Weander in the audience that perhaps the City's insurance policy could be made to include the airport under their blanket liability policy and it may not cost too much. City Manager New indicated that she would check that out and get some figures together so that the issue could be revisited at a later date. The Council thanked Mr. Kilmer for all of his hard work and for bringing the problem to their attention. It was suggested that Mr. Kilmer also contact Cherry County concerning assistance with his insurance and perhaps an agreement could be worked out between the two agencies. No action was taken.

Regular Council Meeting  
November 17, 2003

**14. REVIEW/DISCUSSION/ACTION ON RESOLUTION TO AUTHORIZE OVERTIME PAYMENT TO THE OFFICERS OF THE VALENTINE POLICE DEPARTMENT FROM NOVEMBER 19, 2003 TO DECEMBER 16, 2003**

City Manager New indicated that this would be the last time that overtime needed to be authorized because Devin Scott should be finished with his training on December 16th. City Manager New requested that a Resolution be approved similar to the Resolution that was approved last month in regard to authorizing overtime pay for the Valentine Police Department. This authorization would be for a specific time period of November 19, 2003 to December 16, 2003.

Councilmember Neujahr made the motion to adopt a Resolution to allow overtime pay for the Valentine Police officers which is to be extended 28 days from the last date in the previous Resolution. Second by Councilmember Balliet. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**15. REVIEW/DISCUSSION/ACTION ON APPOINTMENT OF SCOTT SPRAGUE AS REPRESENTATIVE FOR THE CITY OF VALENTINE TO THE BOARD OF THE CENTRAL NEBRASKA JOINT HOUSING AUTHORITY**

City Manager New reminded the Council that several months ago the City of Valentine had joined the Central Nebraska Joint Housing Authority and that no representative had been appointed. She went on to state that Scott Sprague has been a board member for the City of Ainsworth and has agreed to represent the City of Valentine on that board if appointed. Mr. Sprague was in attendance and indicated that he is presently the Chairman of that organization and has been a member since 1993 or 1994. He explained the purpose of the organization to the Council and what kinds of assistance they provide.

Councilmember Nelsen made a motion to appoint Scott Sprague as representative for the City of Valentine to the Board of the Central Nebraska Joint Housing Authority. Second by Councilmember Rhoades. Roll call vote: Aye-Balliet, Neujahr, Nelsen, Rhoades, Nieuwenhuis. Nay-none. Motion carried.

**16. REVIEW/DISCUSSION ON FOUR-WAY STOP SIGNS**

City Manager New stated that this came as a verbal request and probably started from an accident at the corner of 4th and Hall. She indicated that basically there are a number of spots in town where cars are parking too close to the intersection making it difficult to see on-coming traffic. She stated that she had turned it over to Don Pettigrew, Street Superintendent, and he did some checking but did not come up with any answers for this meeting. She also spoke to several policemen and it was decided that rather than four-way stops on Hall and Cherry, the cars need to be backed away from the intersections to make visibility easier. This would be done by painting yellow on the curbs further back from the intersections.

Councilmember Rhoades stated that currently there are two major throughways running through Valentine...Hall and Cherry. He indicated that there is nothing breaking up the flow of traffic and makes it easier to speed. He feels that four-way stops would break-up the flow of traffic and make everyone slow down.

Comments were made from the audience by Connie Rhoades that traffic drives too fast down Hall Street and that there are two daycare centers on Hall between third and fourth streets. She is worried that children may be injured if traffic is not slowed down because there have already been two cars and two dogs hit in that area. City Manager New indicated that the daycare centers have fenced yards and the children should not be in the street. It was also noted that even though there are stop signs, there is no guarantee that drivers will stop there.

Councilmember Rhoades indicated that there has been an increase in truck traffic on Cherry and Hall and he feels that the trucks should use the highway

Regular Council Meeting  
November 17, 2003

that was built for truck traffic and not the side roads that may not be built well enough to handle truck traffic. Don Pettigrew indicated that those streets were built for truck traffic.

After considerable discussion, Councilmember Nelsen suggested that City Manager New contact the Police Department and ask them to enforce the speed limits especially on Cherry and Hall Streets. No further action was taken.

**18. OLD BUSINESS**

- a) **Employee Policy Review**
- b) **Airport Project Update**

City Manager New indicated that the Employee Policy Review booklet had been written over a year ago and the Council has never gone through it. She asked the Council how they wanted to go through it as they quit on it when they were going through the union negotiations. Councilmember Balliet indicated that he would like to see a copy that he could go through on his own and then go through a section at a time at Council meetings after they'd had a chance to look at it. City Manager New stated that she would get copies to all of the Councilmembers and then set up a couple of chapters for review after the first of the year.

City Manager New reported on the Airport Project and told the Council that all of the land has been purchased. Legal representative Coupland indicated that there is to be some GPS surveying done out there and permission has been given for them to be on the land to do the surveying.

**19. 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.

---

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 September 19, 2003.

---

Patricia L. Woodcock  
City Clerk