

City of Valentine
Regular Council Meeting
City Library Meeting Room
January 17, 2005

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held January 17, 2005 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 Wescott presided at the meeting with the following Council members in attendance: Neujahr, Nelsen, Petersen, Kluender, and Wescott. Also in attendance was City Manager New, Norma Jean New, City Manager, recorded the minutes.

2. PUBLIC AUCTION AT 7:00 P.M.

Pursuant to the Public Notice advertised 11/14/04; 12/11/04; 12/18/04 in the Valentine Midland News, President of the Council Wescott opened a Public Auction to be held for 1 hour. Wescott asked for bids for lots 1 through 5 and Lot 8, Block 4, City Third Addition and for bids on Lots 1 through 6, Block 5, City Third Addition to the City of Valentine. Minimum Bid of \$8500.00. The Public Auction was held open for one hour. No bids were received. President of the Council declared the Public Auction closed.

3. CONSENT AGENDA: AGENDA ITEMS #4 AND #5

Councilmember Neujahr made the motion to approve of consent agenda items **#4: a. Library Board meeting of January 4, 2005; #4 b. Board of Adjustment of January 13, 2005; #5. a. Special Council Minutes of December 13, 2004. 5b. Regular Council meeting minutes of December 20, 2004.** Note the Special Minutes of December 13, 2004 were not presented. Nelsen seconded the motion. Voting Aye: Wescott, Petersen, Nelsen, Kluender, and Neujahr. Motion carried.

6 .PRESENTATION BY MC DERMOTT & MILLER FOR THE 2003-2004 AUDIT.

The Audit for the City of Valentine was not completed and presented for approval.

7 REVIEW/ACTION/DISCUSSION ON CITY/COUNTY SALES TAX PROPOSALS AND ECONOMIC DEVELOPMENT :

Cherry County Commissioners Ravenscroft, Adamson, and Turner were in attendance .Mr. Ravenscroft stated this was an opportunity to add revenue to the budgets, and the issue needed to be discussed between the City Council and the Cherry County Commissioners. Sales Tax would benefit both parties if an agreement could be worked out. Options to consider would be 1½ % sales tax request; inter-local agreement, the format for the election, which could be a straight sales tax and/or LB 840 which would provide funding for Economic Development. Some discussion was had of which one would be the most saleable. Neujahr suggested 1 ½ % sales tax and ½ % to go to Cherry County. Petersen moved to consider a 1 ½ per cent sales tax including an inter-local agreement with the Cherry County Commissioners. Kluender seconded the motion. Voting Aye: Nelsen, Kluender, Neujahr, Wescott, and Petersen. Nay: None. Nelsen stated there would be several questions to discuss, such as who would assist and educate both parties, guidelines, total cost to promote a sales tax issue, amount of funds to be received, etc. Nelsen moved to hold a special meeting with the County Commissioners at 7:00 P.M. on January 25, 2005. Neujahr seconded the motion. Voting Aye: Nelsen, Kluender, Neujahr, Wescott and Petersen. Nay: None Motion carried.

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8. REQUEST FOR FINANCIAL ASSISTANCE BY COMMUNITY OUTREACH FOUNDATION:

James Lutter, a board member of the Community Outreach Foundation requested the City to donate funds to the organization. This organization was formed several years ago and they help local individuals, travelers, etc in a time of crisis. The County had just donated \$500.00. City Manager New was asked if this was included in the budget. The City of Valentine did not budget for any donations, and have not for several years. New stated there were several local churches, Department of Social Services, NW Community Action, Cherry County, Salvation Army and other organizations that also assist individuals. Councilman Petersen asked the City Manager to confirm if cities can use tax-payers funds for donations. Councilman Petersen moved to table Agenda Item #10 for 30 days. Councilman Nelson seconded the motion. Voting Aye: Neujahr, Wescott, Petersen, Nelsen, and Kluender. Nay: None Motion carried.

9. REVIEW/DISCUSSION/ACTION ON COSTS OF PROPOSED PAVING DISTRICT NO. 107

Pursuant to a Public Hearing that was held at the December 20,2004 Regular City Council Meeting, Street Improvement District #107 was tabled until more information could be presented reference cost estimates of 6" concrete, 8" concrete, millings or asphalt. A memo was presented by Don Pettigrew, Street Superintendent showing a comparison of costs vs. the original estimate for 1840 sq. yds. @ \$35.50/sq.yard., as well as the City did have 800 ton of millings stockpiled. City Manager New presented a letter dated January 17, 2005 from David F. Essay, Pepsi Cola Bottling Co. recommending that paving be done with the 8" Concrete, and therefore withdrawing their name from the petition for millings. It was noted that the County Foreman had stated that they could put millings on the street for approximately \$13,393 compared to the \$32,700.00 estimated for 872 tons. Again questions were proposed why landowners should pay for 8" concrete rather than 6" concrete. Councilman Nelson voted to accept the costs as presented by St. Supt. Pettigrew. Neujahr seconded the motion. Voting Aye: Kluender, Neujahr, Wescott, and Nelsen. Voting Nay: Petersen. Motion carried.

10. REVIEW/ACTION/DISCUSSION ON A RESOLUTION TO PROCEED WITH MAKING STREET IMPROVEMENT TO WIT: STREET IMPROVEMENT DISTRICT NO. 107

Councilman Nelsen moved to table the resolution until a legal opinion could be obtained from City Attorney and the Bond Attorney. Neujahr seconded the motion. Voting Aye: Nelsen, Wescott, Kluender, Petersen, and Neujahr. Motion carried.

11. REVIEW/ACTION/DISCUSSION ON PLACEMENT OF A HANDICAP PARKING PERMIT AT THIRD AND MAIN AND MAIN AND SECOND STREET.

Councilman Wescott stated he had been approached by citizens requesting a handicap parking place on Main Street located in the 200 block, as well as on the corner of Third Street, off of Main. This was discussed among the Council, City Manager and Street Superintendent. Nelsen moved to approve the request. Kluender seconded the motion. Resolutions and drawings will be presented at the next regular meeting for council approval.

12. REVIEW/DISCUSSION/ACTION RE;CITIZEN COMMENT TIME AS AN AGENDA ITEM

Discussion was held reference an agenda line item labeled Citizen Comment .There was concern that this was not legal as information presented during the citizen comment time could affect other individuals as the topic of conversation is not listed. Neujahr stated she would like to see a written opinion from the League of Municipalities and recommended to table this item until the next meeting.

13. REVIEW/DISCUSSION/ACTION ON PROPOSALS FOR CITY ATTORNEY SERVICES AS PER ADVERTISEMENT.

Pursuant to the advertisement of Dec 29- Jan 5- Jan 12 in Valentine Newspaper, two proposals were received for the services of City Attorney as follows (1) Waite, McWha and Harvat Law Offices , Attorney's at Law, North Platte, Ne (2) Susan Beel Law Office, Valentine, Ne. Councilman Wescott moved to negotiate with Susan Beel. And requested a committee. Nelsen seconded the motion. Voting Aye: Wescott, Petersen, Nielsen Nay: Kluender. Abstaining: Pat Neujahr. Motion carried.

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14. REVIEW/DISCUSSION/ACTION ON NUISANCE NOTICE OF WITHDDRAWAL OF COUNSEL ** CITY OF VALENTINE VS WILLIAM R. WELLER CASE NO. C1 04 -126.

Robert D. Coupland withdrew as Counsel for the City of Valentine effective December 20, 2004. As he no longer represents the City in the Case CI 04-126, Councilman Petersen moved to appoint Susan Beel as Counsel and to withdraw the suit. Councilman Wescott seconded the motion. Voting Aye: Petersen, Nelsen, Kluender, Neujahr, and Wescott. Nay: None. Motion carried.

15. REVIEW/DISCUSSION/ACTION:

A. CONTRACT FOR CITY MANAGER

City Manager New stated no fax had been sent and due to the holiday, the City had not received a signed contract to be presented to the City Council as proposed. Neujahr asked if City Manager New had checked on the insurance that Mr. Blecker had requested, and the answer was yes. Discussion was held on moving expenses. New advised that Mr. Blecker did not have quotes as of this date, however, was obtaining moving quotes.

Councilman Petersen requested information on the hiring of the interim City Manager New. After discussion, Petersen requested that a special meeting be scheduled with an agenda item "Interim City Manager" to discuss two issues that he had heard about. Neujahr read the minutes of December 20, Item #22, minutes, whereby Nelson made the motion to hire Norma Jean New as interim City Manager and all council persons voted "aye" Motion carried. Councilman Wescott advised Petersen how to request a special meeting

15B. APPOINTMENT OF CITY CLERK/TREASURER

Councilperson Neujahr moved to go into executive session. Seconded by Councilman Wescott Voting Aye: Councilman Kluender, Neujahr, Wescott, Petersen and Nelson. Nay: None. Motion Carried: Councilman Wescott stated the time was 9:24. The Council returned to regular session at 9:57 P.M. Councilperson Neujahr moved to offer the position of City Clerk/Treasurer to Deana Schmit for an annual salary of \$27,040.00 with a \$.25 per hour increase after 6 months of employment. Councilman Nelsen seconded the motion. Aye: Neujahr, Kluender, Nelsen, Petersen, Wescott. Nay: None Motion carried.

16. REVIEW/DISCUSSION/ACTION FOR APPOINTMENTS TO NMPP/ESSENT SERVICES

Discussion was held on the benefits that the City received from Nebraska Municipal Power Pool /Essen Services , a Nebraska non-profit corporation, who researches telecommunications and cable issues and services. At this time, the City Council took no action for an appointment to the Board.

17. REVIEW/DISCUSSION ACTION REGARDING SOLID WASE COLLECTION, DISPOSAL

President of the Council turned the meeting over to Vice-President Kluender due to a conflict of interest. Councilman Nelsen moved to hold a special meeting to discuss the solid waste issues. Neujahr seconded the motion. Voting Aye: Petersen, Neujahr, Nelsen, and Kluender. Not voting: Wescott. Motion carried. A special meeting will be set at a later date.

18. REVIEW/DISCUSSION/ACTION ON DECEMBER 2004 CLAIMS AND PAYROLL

Claims were presented by City Manager New in the amount of \$706,893.01 for December 2004. Claim #69 Great Plains One call was corrected to \$9.00. Councilperson Neujahr moved to approve the claims as presented. Councilman Nelsen seconded the motion. Voting Aye: Kluender, Petersen, Neujahr, Nelsen, and Wescott. Motion carried.

19.REVIEW OF THE OCTOBER AND NOVEMBER AND DECEMBER 2004 FINANCIAL REPORTS.

Revenue and Expense and a cash report were presented for October and November 2004. City Manager removed this item from the consent agenda and explained the reports to the Council. Councilperson Neujahr moved to approve the reports as presented. Councilman Nelsen seconded the motion. Voting Aye: Wescott, Petersen, Nelsen, Kluender, and Neujahr . Nay: None Motion carried.

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20.REVIEW, DISCUSSION, ACTION DECEMBER 2004 RECEIPT REPORT

The December 2004 revenue report was presented in the amount of \$376,346.63. Neujahr moved to approve the receipt report as presented. Councilman Wescott

seconded the motion. Voting Aye: Petersen, Nelsen, Kluender, Neujahr, and Wescott. Nay: None. Motion carried.

21. REVIEW,DISCUSSION, ACTION OF UTILITY BILLING ACCOUNTS WRITE-OFFS

A list of uncollectible utility billings was presented in the amount of \$7,474.83. Several of the accounts have been forwarded to the Credit Bureau; some individuals are deceased, and all attempts have been made to collect the outstanding bills. After review, Councilman Wescott moved to approve the list as presented, except for the billing of Willard Week in the amount of \$132.32. Councilperson Neujahr seconded the motion. Voting Aye: Kluender, Neujahr, and Wescott. Nay: Councilman Nelsen and Petersen.

22.OLD BUSINESS:

City Manager New discussed the nuisance letters that had been sent to property owners in Valentine. Legal description for Lot 8, Block 7, Kautz Addition is zoned as Highway Commercial and as per City Codes does not allow salvage or junk material, or vehicles. City Manager New has contacted the owner, and given an extension to the property owner to remove the material. Councilperson Neujahr moved to have the City Attorney assist with the procedure. Nelsen seconded the motion. Voting Aye: Kluender, Neujahr, Wescott, Petersen, and Nelsen. Nay: None. Motion carried.

23.NEW BUSINESS;

A written annual police report and water report were presented for review. A report on the Millpond was presented by Olsson Associates. Cherry County Commissioner Ravenscroft requested a City County Joint meeting on January 25, 2004 at the Court House Meeting room. Discussion was held on the League of Nebraska Annual Mid-Winter Conference to be held February 14 and 15, 2005. Annual Midwinter. At this time, Neujahr, Kluender and Petersen will attend. City Manager New advised the Council that she is reviewing the Electric and Water meter deposit regulations. It is outdated and is requesting the policy to be updated.

24. MEETING ADJOURNED;

There being no further business, Councilman Nelsen moved to adjourn the meeting. Seconded by Councilman Petersen. Voting Aye: Councilmember Neujahr, Wescott, Petersen, Nelsen, Kluender. Voting Nay: None. Motion carried.

I, the undersigned, (in absence of the 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 January 29, 2005.

Norma Jean New
For the City of Valentine