

City of Valentine  
Regular Council Meeting  
City Library Meeting Room  
February 21, 2005

A regular meeting of the City Council of the City of Valentine, Valentine, Nebraska was held February 21, 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 Richard Blecker, Norma Jean New, Deanna Schmit, City Clerk, recorded the minutes.

### **2. CIVIC GROUP RECOGNITION**

Virginia Nelsen, representing American Legion Unit 90 Auxiliary, was present to share information regarding the Share the Gift of Reading Program.

Andy Hoban and Dale Bessey, representing American Legion Unit 90, were present to share information regarding the Fill and Empty Stocking Program. They also reported on the Rotary Club Christmas Bicycle Program.

### **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 February 1, 2005; #4 b. Cemetery Board meeting of February 14, 2005; #4 c. Planning Commission meeting of February 7, 2005; #4 d. Annual Public Library Report**

**#5 b. Special Council meeting minutes of January 6, 2005; c. Regular Council meeting minutes of January 17, 2005; d. Special Council meeting minutes of January 20, 2005; e. Special Council meeting minutes of January 25, 2005.** excepting #5a and #5f which were not available. Nelsen seconded the motion. Voting Aye: Wescott, Petersen, Nelsen, Kluender, and Neujahr. Motion carried.

### **6. APPROVAL OF CEMETERY BOARD MEMBER**

Councilmember Neujahr made a motion, seconded by Nelsen, to approve the appointment of Dave Householter to the cemetery board for the term of 09/04 to 09/08. Voting Aye: Petersen, Nelsen, Kluender, Neujahr, Wescott. Motion carried unanimously.

### **7. REQUEST FOR FINANCIAL ASSISTANCE BY COMMUNITY OUTREACH FOUNDATION**

Councilmember Nelsen made a motion to request the City Manager find \$500.00 to donate to the Community Outreach Foundation. The motion was withdrawn for more information. Councilmember Nelsen made a motion, seconded by Kluender, to table the request. Voting Aye: Nelsen, Kluender, Neujahr, Wescott, Petersen. Motion carried unanimously.

### **8. REQUEST FOR CHANGE OF LOCATION – GEORGE'S MULE BARN**

Councilmember Neujahr made a motion, seconded by Nelsen, to approve the request for change of location by Harold G. Sherman/dba George's Mule Barn from 302 W Hwy 20 to 111 E 2<sup>nd</sup> Street. Voting Aye: Kluender, Neujahr, Wescott, Petersen, Nelsen. Motion carried unanimously.

### **9. Review 2005 Insurance Packet**

Jan Noteboom representing The Insurance Center, presented information regarding the liability and workmens compensation insurance. It was suggested that an extensive safety program be checked into.

**10. REVIEW/DISCUSSION/ACTION ON CITY/COUNTY SALES TAX PROPOSAL AND ECONOMIC DEVELOPMENT.**

After some discussion concerning the implementation of city/county sales tax Councilmember Neujahr reported that public funds may be used to hire a consultant but that private (or utility) funds must be used to do promotion and advertising.

Councilmember Nelsen made a motion, seconded by Neujahr, to rescind the decision of the January 17, 2005 Council meeting regarding sales tax of 1.5% with an agreement with the County. Voting Aye: Neujahr, Nelsen. Voting Naye: Wescott, Petersen, Kluender. Motion failed three to two.

Councilmember Kluender made a motion, seconded by Wescott, to hold a special meeting in conjunction with the Cherry County commissioners on March 2, 2005 at 7:00 at the Cherry County meeting room to discuss sales tax. Voting Aye: Neujahr, Kluender, Nelsen, Petersen, Wescott. Motion carried unanimously.

**11. APPROVE/DENY RESOLUTION TO APPROVE CITY OF VALENTINE ONE AND SIX YEAR STEET PLAN FOR 2005.**

Councilmember Nelsen made a motion, seconded by Kluender, to approve the resolution adopting the 2005 One and Six Year Street Plan. Voting Aye: Nelsen, Wescott, Kluender, Petersen, Neujahr. Motion carried unanimously.

**12. REVIEW/DISCUSSION/ACTION/AUTHORIZATION TO REPEAL ORDINANCE NO. 2004-2025P – STREET IMPROVEMENT DISTRICT NO. 107.**

Councilmember Nelsen made a motion, seconded by Wescott, to grant authorization to repeal Ordinance No. 2004-2025P. Voting Aye: Petersen, Neujahr, Nelsen, Wescott, Kluender. Motion carried unanimously.

**13. REVIEW/DISCUSSION/ACTION ON APPROVAL OF CONTRACT FOR CITY ATTORNEY.**

Councilmember Nelsen made a motion, seconded by Petersen, to approve the contract with Susan Neujahr Beel as the City of Valentine Attorney including a start date of January 1, 2005. Voting Aye: Kluender, Petersen, Neujahr, Nelsen, Wescott. Motion carried unanimously.

**14. REVIEW/DISCUSSION/ACTION ON NEED TO PASS A RESOLUTION FOR HANDICAP PARKING SPACES.**

Councilmember Neujahr made a motion, seconded by Nelsen, to approve the following resolution

**WHEREAS**, the citizens of the City of Valentine, Nebraska have requested Handicap Parking spaces to be placed on Main Street in the 200 block, as well as on Third Street, off of Main Street

**WHEREAS**, handicapped parking spaces and on the 200 block of Main Street and on Third Street is necessary:

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF VALENTINE, NEBRASKA**, as follows:

1. Pursuant to Section 5-414 of the Municipal Code of the City of Valentine, Nebraska, there is hereby designated parking spaces located on the 200 block of Main Street where the curb has already been dropped for a driveway in front of Advantage Direct and as well as on Third Street and Main Street on the South side of True Value for the exclusive uses of the disabled citizens whose vehicles display the distinguished license plates issued to such individuals pursuant to Section 60-311.14RS Neb., such other handicapped persons, as certified by the Governing Body, whose vehicles display the identification as determined by the Department of Motor Vehicles, and such other motor vehicles, as certified by the Governing Body, which display such identification. Said parking spaces are clearly designated on the drawing attached hereto and incorporated by reference.

Passed and adopted by the City Council of the City of Valentine, Cherry County, Nebraska, on the 21<sup>st</sup> day of February, 2005, by the following vote:

AYES: Wescott, Petersen, Nelsen, Kluender, Neujahr. NAYS: None Motion carried unanimously.

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

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

**16. REVIEW/DISCUSSION/ACTION ON A SEPARATE AUDIT**

After discussion on the merits and demerits of a separate audit Councilmember Nelsen made a motion, seconded by Neujahr, to table item 16. Voting Aye: Petersen, Nelsen, Kluender, Neujahr, Wescott. Motion carried unanimously.

**17. REVIEW/DISCUSSION/ACTION ON THE REQUEST TO AUTHORIZE THE ADVERTISEMENT OF:**

- a) Annual Land Lease – Parcel A 135.0 acres or more
- b) Cemetery Lawn Mowing Services
- c) Ecology Park Lawn Mowing Services
- d) Concession Stand Lease

Councilmember Nelsen made a motion, seconded by Kluender, to approve advertisement on item a, b, c and d of agenda item 17. Voting Aye: Nelsen, Kluender, Neujahr, Wescott, Petersen. Motion carried unanimously.

**18. REVIEW/DISCUSSION/ACTION ON SAM WILLIAMS/MIDWEST WIRELESS LLC LEASE**

Councilmember Wescott made a motion, seconded by Nelsen, to have a letter sent to Midwest Wireless requesting that their equipment be removed in thirty days. Voting Aye: Kluender, Neujahr, Wescott, Petersen, Nelsen. Motion carried unanimously.

**19. REVIEW/DISCUSSION/ACTION ON AIRPORT PROJECT NO. 3-31-0084-03**

**a) Resolution adopting Agency Agreement for the airport**

Councilmember Wescott made a motion, seconded by Neujahr, to adopt Resolution No. 2005-2-21-05 as follows:

**A resolution adopting and approving the execution of an agency agreement with the department of aeronautics of the State of Nebraska for Project No. 3-31-0084-04-2005 to be submitted by the department to the federal aviation administration to obtain federal assistance the development of the airport:**

Be it resolved by the Mayor and members of the City Council of Valentine, Nebraska, that:

1. The City of Valentine, Nebraska shall enter into an Agency Agreement with the Department of Aeronautics for Project No. 3-31-0084-04-2005 for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set for the hereinbelow.
2. The Mayor of the City of Valentine is hereby authorized and directed to execute said Agency Agreement on behalf of the City, and the City Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

Voting aye: Neujahr, Wescott, Petersen, Nelsen, Kluender. Motion carried unanimously.

**20. REVIEW/DISCUSSION/ACTION EMPLOYEE POLICY BOOK.**

- a) Section III: Pay Plan – 3.7: Travel and Official Expenses
- b) Section IV: Employee Benefits- 4.2: Vacation

Councilmember Wescott made a motion, seconded by Nelsen, to change the non-union employee policy book with regards to travel and official expenses and vacation. This revision will essentially match the travel and vacation policies of non-unionized employees with unionized employees. Voting aye: Neujahr, Kluender, Nelsen, Petersen, Wescott. Motion carried unanimously.

**21. REVIEW/DISCUSSION/ACTION ON CITY CODE BOOK 13-303**

**Residential District Permitted Conditional Uses subject to the provisions of Article 8 #2.**

Councilmember Nelsen made a motion to table item 21. Motion withdrawn.

Councilmember Neujahr made a motion, seconded by Kluender, to remove the wording on Item #2 of 13-303 of the exemption portion of the City code book regarding the set-back provision. Voting Aye: Nelsen, Wescott, Kluender, Petersen, Neujahr. Motion carried unanimously.

City of Valentine  
Regular Council Meeting  
City Library Meeting Room  
February 21, 2005

**22. REVIEW/DISCUSSION/ACTION ON CERTIFICATE OF PAYMENT NO. 2/FINAL IN THE AMOUNT OF \$22604.07 TO PERRETT CONSTRUCTION FOR WORK COMPLETED ON VALENTINE SOLID WASTE LANDFILL PHASE 2 CONSTRUCTION.**

Councilmember Nelsen made a motion, seconded by Petersen, to make payment to Perrett Construction in the amount requested. Voting Aye: Petersen, Neujahr, Nelsen, Wescott, Kluender. Motion carried unanimously.

**23. REVIEW/DISCUSSION/ACTION ON JANUARY 2005 CLAIMS & PAYROLL.**

Councilmember Nelsen made a motion, seconded by Wescott, to accept the claims as presented. Voting Aye: Petersen, Nelsen, Wescott. Abstain: Kluender, Neujahr. Motion carried 3 aye, 2 abstain.

**24. REVIEW OF DECEMBER, 2004 AND JANUARY, 2005 FINANCIAL REPORTS:**

These reports were not available for presentation.

**25. REVIEW/DISCUSSION/ACTION OF JANUARY RECEIPT REPORT.**

Councilmember Neujahr made a motion, seconded by Wescott, to accept the January, 2005 receipt report. Voting Aye: Wescott, Petersen, Nelsen, Kluender, Neujahr. Motion carried unanimously.

**26. NEW BUSINESS:**

- a) Update meter deposit policy
- b) Mill Pond progress
- c) Reroute truck traffic Main to Cherry

No action taken on items of new business.

**27. MEETING ADJOURNED:**

There being no further business before the council the meeting was adjourned.

---

President of the Council

I, the undersigned City Clerk 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 March 3, 2005.

---

Deanna Schmit  
City Clerk