

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
NOVEMBER 18, 2010**

A meeting of the Mayor and City Council of the City of York, Nebraska, was convened in open and public session at 7:00 o'clock p.m. in the Council Chambers.

The Mayor announced that the Open Meetings Act is posted on the east wall of the Council Chambers.

**ROLL CALL**

Present were: Councilmembers: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Also present were the City Clerk and City Administrator.

Notice of this meeting was given in advance thereof by publication in the York News Times on November 15, 2010, the City's designated method for giving notice, a copy of the proof of publication being attached to these Minutes. Notice of this meeting was given to the Mayor and all members of the City Council and a copy of their acknowledgment and receipt of notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

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**MINUTES**

Councilmember Brink moved and Councilmember Wolfe seconded that the Minutes of the November 4, 2010 meeting be approved.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

**REPORTS**

Councilmember Mogul moved and Councilmember Leggett seconded that the Departmental Activities Report, and Water and Sewer Operational Statements be approved.

Roll Call Vote : Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

**FUND BALANCES**

Councilmember Obermier moved and Councilmember Redfern seconded that the Fund Balances be approved.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

#### CLAIMS OF ELECTED OFFICIAL

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$402.54 and York Printing Co. in the amount of \$46.98 be approved and paid. .

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, and Leggett. Nays: None. Councilmember North declared a Conflict of Interest inasmuch as he is the owner of North Office and York Printing Co. and abstained from voting. Motion Carried.

#### CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period November 5, 2010 through November 18, 2010 be approved and paid.

Roll Call Vote Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

#### CITY ADMINISTRATOR REPORT

The City Administrator reported on the balances in the downtown TIF account and the façade account. .

#### APPROVE POSTING OF SIGNS

The Chief of Police has requested authority to post signs on the Community Center and Senior Center property. The City Attorney advised that there are two signs necessary – one for “no loitering on walkways and sidewalks” and one for “no trespassing after hours”.

Following discussion, Councilmember Redfern moved and Councilmember Leggett seconded to grant authority to the Police Department to post the Community Center and Senior Center Property with “no loitering” and “no trespassing sign”.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

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### THIRD READING OF ORDINANCE 2041

The City Administrator recommended that the rates at the Solid Waste Receiving Center and Landfill be increased and that the Solid Waste Agency had met and recommends an increase of \$2.00/ton for landfill fees and an increase of \$2.00/ton for the construction and demolition site.

### ORDINANCE NO. 2041

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 16, GARBAGE AND TRASH, REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Obermier moved and Councilmember Leggett seconded that Ordinance No. 2041 be passed and adopted.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

### SECOND READINGS OF ORDINANCES

- 1) Ordinance No. 2042 – An Ordinance to Amend a Portion of Chapter 37 Utilities, Section 34-43 of the Municipal Code of the City of York, Nebraska, to prescribe Water Rates
- 2) Ordinance No. 2043 – An Ordinance to Amend a Portion of Chapter 37 of the Municipal Code of the City of York, Nebraska, prescribing Sewer Rates.

### APPROVE MEMORANDUM OF UNDERSTANDING

Cornell Bonde and Bob McQuistin of the York General Hospital were present seeking approval of a Memorandum of Understanding between the City of York and York General Health Care Service to allow York General Hospital to purchase drugs at a significantly reduced price for qualified patients only per Section 340B of the Public Health Service Act.

Councilmember Toms moved and Councilmember Redfern seconded that the Mayor be authorized to enter into said Memorandum of Understanding with York General Health Care Services.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, and Leggett. Nays: None. Councilmember North declared a Conflict of Interest and abstained from voting. Motion Carried.

### DISCUSSION

Matt Spanjers, President of York Industries, was present to discuss the Council's possibility of purchasing approximately 55 acres on North Division owned by the State of Nebraska as an additional industrial site. He advised that the site is adjacent to the by-pass and has access to rail. He advised that the area is blighted and eligible for TIF and has utilities adjacent. . The Comprehensive Plan identifies this area as industrial.

Following discussion, Councilmember Redfern moved and Councilmember Toms seconded to authorize the Administration to begin negotiations with the State for the possible acquisition of this approximately 55 acre tract.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

#### ADJOURN INTO EXECUTIVE SESSION

Councilmember Leggett moved and Councilmember Brink seconded to adjourn into Executive Session to discuss acquisition of real estate, the time being 7:27 o'clock p.m.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

The Mayor announced that the Council was now adjourning into Executive Session to discuss acquisition of real estate.

#### ADJOURN FROM EXECUTIVE SESSION

Councilmember Obermier moved and Councilmember Redfern seconded that the Council adjourn from Executive Session, the time being 7:30 o'clock p.m.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

#### ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:352 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor

