

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
OCTOBER 21, 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 President of the Council announced that the Open Meetings Act is posted on the east wall of the Council Chambers.

**ROLL CALL**

Present were: Councilmembers: North, Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Absent: Mayor Harris. 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 October 18, 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 Mogul moved and Councilmember Wolfe seconded that the Minutes of the October 6, 2010 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES**

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

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

#### CLAIMS OF ELECTED OFFICIAL

Councilmember Toms moved and Councilmember Leggett seconded that the claim of Cy North for North Office Supply in the amount of \$212.97 and York Printing Co. in the amount of \$334.00 be approved and paid. .

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

#### CLAIMS

Councilmember Toms moved and Councilmember Mogul seconded that the claims for the period October 6, 2010 and October 18, 2010 be approved and paid.

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

#### REGISTERED WARRANT

Councilmember Toms moved and Councilmember Wolfe seconded that the City Clerk/Treasurer be authorized to register a warrant payable to Kirkham, Michael in the amount of \$416.54 for the Nebraska Avenue project.

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

#### CITY ADMINISTRATOR REPORT

The City Administrator reported: 1) sales tax receipts and 2) that the property tax levy within the City of York will be lower by about 6 cents – that both the County and School Districts have lower rates.

#### CODE VIOLATIONS

The Public Works Project Manager advised that contact had been made with property owners Mario Reyes at 413 N Beaver and Darrell Blitzkie at 555 West 8<sup>th</sup> regarding code violations on their property and gave them 30 days to take corrective action. The City Attorney advised that there are four actions that can be taken: 1) can go directly to County Court; 2) the City can do the work and levy a lien on the property; 3) declare the property unsafe and demolish the same; or 4) file an action in the District Court. The City Attorney recommended filing an action in District Court.

Following discussion, Councilmember Leggett moved and Councilmember Brink seconded to authorize legal action be taken in District Court on the two properties above described

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

#### PROHIBIT LOITERING AND TRESPASSING ON PUBLIC PROPERTY

The City Attorney advised that he had been contacted by the Police Chief regarding persons congregating on the Community Center and Senior Center property and Grant Avenue adjacent thereto. He further advised that they have cut down one tree and completely removed another tree as well as leaving debris on said property. Police Sergeant Hanke advised that they have had 80 complaints in the last several months and described the problems associated therewith including fights among those congregated and verbal assaults on traffic on Grant Avenue. He advised that they cannot issue a ticket unless the property is posted. Ken Kunze spoke to the Council regarding the complaints of his tenants regarding noise. Carey Hutson spoke in favor of stopping the congregation on the Community Center property and the things she witnessed when she gathered there some time ago. Following discussion, the following Ordinance was introduced. The Council asked that the Police Department give a Council a list of City property that needs to be posted.

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#### ORDINANCE NO. 2040

AN ORDINANCE TO ENACT A SECTION IN CHAPTER 24 OF THE YORK CITY CODE TO PROHIBIT LOITERING AND TRESPASSING ON PUBLIC PROPERTY WITHIN THE CITY OF YORK; TO PROVIDE FOR A PENALTY FOR THE VIOLATION OF SAID ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Leggett moved and Councilmember Toms seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2040 be suspended.

Roll Call Vote: Ayes: Ayes: North, Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Motion Carried. The motion was adopted by a three-fourths vote of the Council and the Statutory Rule suspended for consideration of said Ordinance on its second and third reading.

Councilmember Leggett moved and Councilmember Brink seconded that Ordinance No .2040 be passed and adopted.

Roll Call Vote: Ayes: Ayes: North, Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Motion Carried. . Ordinance No. 2040 was declared adopted.

#### FIRST 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. The following ordinance was introduced on first reading:

#### ORDINANCE NO. 2041

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 16, GARBAGE AND TRASH, REPEAL OF ALL ORDINANCES IN CONFLICT THEREIWITH AND RPOVDING FOR THE FEECTIVE DATE OF THIS ORDINANCE.

#### APPROVE CDBG LOAN

Doug Hagcock was present seeking approval of a CDBG re-use loan in the amount of \$152,025.82 for new equipment to increase their production by 30% and increase employment by approximately four people. He advised that they had hired 12-15 people in the last 12-15 months. The City Administrator advised that the Re-Use Committee had met and recommends approval of said loan - \$125,000 in new funds and incorporation of an existing loan payoff in the amount of \$27,025.82 at an interest rate of one-half of prime with a closing date of November 15<sup>th</sup>, 2010.

Councilmember Brink moved and Councilmember Leggett seconded that said loan be approved.

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

#### ADJOURNMENT

There being no further business to come before the meeting, The President of the Council adjourned the meeting, the time being 7:52 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor