

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
DECEMBER 18, 2008**

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.

SWEARING IN OF NEWLY ELECTED OFFICIALS

The City Clerk administered the Oath of Office to Mayor Harris and Councilmembers Brink, Mogul, Obermier and North and the newly elected officials signed their Oaths and Bonds and were seated

ROLL CALL

Present were: Mayor Harris; Councilmembers: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Absent: Leggett. Also present were the City Clerk, City Administrator, City Attorney, and Director of Public Works.

Notice of this meeting was given in advance thereof by publication in the York News Times on December 15, 2008, 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.

ELECTION OF PRESIDENT OF THE COUNCIL

The Mayor announced that this was the time to elect a President of the Council:

Councilmember Brink nominated Barry Redfern as President of the Council and moved that Barry Redfern be elected President. Councilmember Obermier seconded the motion.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, and Brink. Nays: None. Abstain: Redfern. Absent & Not Voting: Leggett. Motion Carried.

ELECTION OF VICE PRESIDENT OF THE COUNCIL

The Mayor announced the this was the time to elect a Vice President of the Council:

Councilmember Toms nominated Margaret Brink as Vice President of the Council and moved that Margaret Brink be elected Vice President. Councilmember Wolfe seconded the motion.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North and Redfern. Nays: None. Abstain: Brink. Absent & Not Voting: Leggett. Motion Carried.

MAYOR'S APPOINTMENTS

1) The Mayor announced his Council Committee appointments as follows:

Finance Committee:

Barry Redfern, Chair; Members: Paul Toms, Ron Mogul, Jr. and Cy North

Ordinance & Judiciary Committee:

Margaret Brink, Chair; Members: Paul Toms, Ron Mogul, Jr. and Cy North

Buildings Committee:

Diane Wolfe, Chair; Members: Cy North and Ron Mogul, Jr.

Public Safety Committee:

Brian Leggett, Chair; Members: Randy Obermier and Diane Wolfe

Utilities Committee:

Randy Obermier, Chair; Members: Diane Wolfe and Cy North

Streets, Alleys & Paving Committee:

Paul Toms, Chair; Members: Ron Mogul, Jr. and Brian Leggett

Insurance & Pension Committee:

Ron Mogul, Jr., Chair; Members: Randy Obermier and Cy North

Councilmember Redfern moved and Councilmember Toms seconded that the appointments be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting Leggett. Motion Carried.

2) The Mayor announced his re-appointments of the City Officials and Department Heads as follows:

<u>City Administrator:</u>	Jack Vavra
<u>City Clerk/Treasurer:</u>	C. Jean Thiele
<u>Director of Public Works:</u>	Orville R. Davidson
<u>City Attorney:</u>	Charles Campbell
<u>Library Director:</u>	Stanley Schulz
<u>Director of Parks & Recreation:</u>	Paula Christensen
<u>City Physician:</u>	Dr. Darroll Loschen

Councilmember Obermier moved and Councilmember Brink seconded that the re-appointments be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

3) The Mayor announced his appointment of the York Police Department:

<u>Police Chief:</u>	Donald Klug
<u>Police Sergeants:</u>	Kim Christensen
	Norm Cobb
	Mike Rathje
<u>Police Officers</u>	Russell Coffey
	Mike Hanke
	Doug Headlee
	Shawn Humphrey
	Todd Kelly
	Brit Koch
	Shawn McKillip
	John Wilmes
	Roger Wolfe, Jr.

Councilmember Redfern moved and Councilmember Toms seconded that the appointments be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

4) The Mayor announced his appointments of the York Fire Department:

<u>Fire Chief</u>	Kevin Stuhr
<u>Fire Captains:</u>	Doug Branz
	Darrell Rasmussen
	James Matzner
<u>Firemedic IV:</u>	Roy Nickels

Firemedic II:
Firemedic I:

Daniel Robinson
Lisa Starr
John WEmhoff
Tony Bestwick
Thomas Bredwell
Lawrence Lind
Clay Stodieck
James Yost

Councilmember Mogul moved and Councilmember Brink seconded that the appointment be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

5) The Mayor announced his appointments as follows:

Planning Commission: Lisa Riley, Jan Buhman and Matt Leif, Chair

Councilmember Brink moved and Councilmember Obermier seconded that the re-appointments be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

Board of Health: Mayor, Chief of Police, City Attorney, Council President, Council Vice President and City Physician

Councilmember Obermier moved and Councilmember Toms seconded that the re-appointments be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

Advisory Board of Park & Recreation Commissioners: George Brugh and Randy Obermier

Councilmember Brink moved and Councilmember Mogul seconded that the appointments be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Mogul, North, Brink and Redfern. Nays: None. Abstain: Obermier. Absent & Not Voting: Leggett. Motion Carried.

Examining Board of Plumbers And Mechanical Contractors: Larry Lind

Councilmember Toms moved and Councilmember Redfern seconded that the re-appointment be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

Aviation Board Barry Redfern

Councilmember Brink moved and Councilmember Wolfe seconded that the re-appointment be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, and Brink. Nays: None. Abstain: Redfern. Absent & Not Voting: Leggett. Motion Carried.

MINUTES

Councilmember Mogul moved and Councilmember Obermier seconded that the Minutes of the December 4, 2008 meeting be approved..

Roll Call Vote: Ayes; Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

REPORTS

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

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

FUND BALANCES AND BUDGET COMPARISON

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

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

CLAIM OF ELECTED OFFICIAL

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for York Printing Co. in the amount of \$1,264.11 and North Office Supply in the amount of \$25.98 be approved and paid.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Councilmember North declared a Conflict of Interest due to the fact that he is the owner of York Printing Co. and North Office Supplies and abstained from voting: Motion Carried.

CLAIMS

Councilmember Redfern moved and Councilmember Obermier seconded that the claims for the period December 5, 2008 through December 18, 2008 be approved and paid.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

APPROVE REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk-Treasurer be directed to register a warrant in the amount of \$639,840.00 payable to Leland Kranz and Darlene A. Kranz, June Franzen and Richard Franzen, Jamie Kranz and Elaine Kranz for wellfield land acquisition (Pt. NE/4 of Section 32, Township 11 North, Range 2 West)

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

CITY ADMINISTRATOR REPORT

The City Administrator reported that: 1) the City will be acquiring a truck using State bids and will be purchasing a box spreader and plow, all approximately \$15,000 under budget – the total cost to be approximately \$115,000; and 2) at the January 15, 2009 meeting bond documents will be presented to cover all work on the relinquishment areas, Nobes Avenue bridge, underpass and asphalt work and bond documents for paving districts 07-1, 07-2, 07-3 and 08-1; water district 07-1 and sanitary sewer districts 07-1, 07-2 and 08-1.

APPROVE PLAT

At 7:00 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on a preliminary and final plat of I.T. 4 in the SE/4 of the SW/4 of Section 28, Township 11 North, Range 3 West filed by Joseph & Angela Johnson and Victor & Dorothy Johnson and the City Clerk read the required legal notice. Joe Johnson was present stating that the farm ground had been sold but the purchaser did not want the building site so the plat sets off four acres with the building site. The Director of Public Works advised that the Planning Commission had recommended approval of the plat and that the plat meets the land subdivision regulations.

Councilmember Brink moved and Councilmember Toms seconded that the plat be approved.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

APPROVE CDBG DOCUMENTS

1) Councilmember Redfern moved and Councilmember Obermier seconded that the Mayor be authorized to sign CDBG Grant Contract No. 08 ED 008.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

2) Councilmember Mogul moved and Councilmember Obermier seconded that the Mayor be authorized to sign a Professional Service/Consultant Agreement with SENDD.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

3) Councilmember Redfern moved and Councilmember Toms seconded that Jean Thiele, City Clerk and Certified Grant Administrator, be designated to have the principal day-to-day responsibility for the administration of this grant.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

DENY DALANE EPP REQUEST

Councilmember Brink reported that the Ordinance Committee had met and is recommending that the request of Dalane Epp to amend the City code regarding the use of septic tanks be denied and that Mr. Epp meet with City staff regarding other options. Mrs. Brink also thanked Mr. Epp for coming to the Council with his concerns and request.

EXECUTIVE SESSION

Councilmember Toms moved and Councilmember Redfern seconded that the Council adjourn into Executive Session to discuss land acquisition and litigation, the time being 7:18 o'clock pm.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

The Mayor announced that the Council would not be adjourning into Executive Session to discuss land acquisition and litigation.

ADJOURN FROM EXECUTIVE SESSION

Councilmember Brink moved and Councilmember Obermier seconded that the Council adjourn from Executive Session, the time being 7:45 o'clock p.m.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

APPROVE REGISTRATION OF WARRANTS

1) Councilmember Redfern moved and Councilmember Obermier seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$1,040,000.00 payable to the York County Court for Bradley Alan Gloystein, Trustee & Mary Elaine Gloystein, Trustee for the SW/4 of Section 33, Township 11 North, Range 2 West of the 6th P.M., York County.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

2) Councilmember Toms moved and Councilmember Wolfe seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$640,000.00 payable to the York County Court for Ardean & Betty Peters for the E/2 SE/4 of Section 22, Township 11 North, Range 2 West, York County

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

3) Councilmember Brink moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$1,221,750.00 payable to the York County Court for Jack Steven and Alyce Cronin for the NE/4 of Section 5, Township 10 North, Range 2 West, York County

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

4) Councilmember Redfern moved and Councilmember Obermier seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$489,160.00 payable to the York County Court or Dale A. & Janet J. Olson, Trustees for Pt. W/2 NW/4 in Section 33, Township 11 North, Range 2 West, York County

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

ADJOURNMENT

Councilmember Brink moved and Councilmember Redfern seconded that the Council meeting be adjourned the time being 7:47 o'clock p.m.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Brink and Redfern. Nays: None. Absent & Not Voting: Leggett. Motion Carried.

C. Jean Thiele, City Clerk

Charles Harris, Mayor