

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
SEPTEMBER 2, 2010  
7:00 O'CLOCK P.M.**

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.

Present were: Mayor Charles Harris, Councilmembers: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Absent: Wolfe. 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 August 30, 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.

**MINUTES**

Councilmember Toms moved and Councilmember Leggett seconded that the Minutes of the August 19, 2010 meeting be approved.

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

**ELECTED OFFICIALS CLAIM**

Councilmember Redfern moved and Councilmember Mogul seconded that the claim of York Printing Co. in the amount of \$483.71 and North Office Supply in the amount of \$134.54 be approved and paid.

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

**CLAIMS**

Councilmember Redfern advised that the Finance Committee had met and moved that the Claims for the period August 20, 2010 through September 2, 2010 be approved and paid.

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

**CITY ADMINISTRATOR REPORT**

The City Administrator distributed the sales tax report for the 11 month period and a list of net taxable sales (non-motor vehicle) for the City for calendar years 1984-2009. He also advised that the General Obligation Refunding Bonds for Series 2010 had been sold – that 73% were sold locally. He advised that the par amount of the bonds was \$4,250,000 – true interest cost 2.60% - savings over the life of the bonds - \$566,690 (present value savings \$463,055) and a percentage present value savings of 10.75% with a cost of issuance of \$6,875.00.

**COMMENTS FROM ERIC ECKERT**

Eric Eckert updated the Council regarding the desire for a skate park in Harrison Park. He presented a general layout of the park proposed to be constructed on the east side of the park where the present horse-shoe area is located – said site being easily accessible, electricity and water at the site and there is preexisting landscaping. He advised that the

York Community Foundation is handling all funds for this proposed project – that Greg Wurst of C-Tec, Inc. has agreed to donate labor for the construction of the park – that the York Wild Hawgs Motorcycle Club is sponsoring a poker run, raffle ticket sales and t-shirt contest in connection with Yorkfest activities – that they have donations from local skateshops located in Lincoln and Grand Island and a donation from The Skateboard Magazine – that they have received and are seeking business and private donations – and are scheduling other fundraising events, ie concerts, restaurant promotions, etc.

#### AMEND 2009-2010 BUDGET

The City Clerk presented the “Notice of Hearing to Amend the Budget and Budget Summary” published in the York News Times. The City Administrator advised that the only amendment was in the Wastewater Operations Fund and the amendments are: 1) Capital Improvements Fund from \$205,000 to \$555,000 and 2) Bond Payment from \$170,000 to \$1,550,000 (wastewater bonds were called and paid in full).

Councilmember Leggett moved and Councilmember Brink seconded that the Amendment to the 2009-2010 Budget be approved.

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

#### APPROVE 2010-2011 BUDGET

The Mayor announced that this was the time and place set for a public hearing on the City’s 2010-2011 Budget, and the City Clerk read the legal notice published in the York News Times. Department Head, Kevin Stuhr, Don Klug, Stan Schulz, Paula Christensen and Mark Christiansen were present to answer any questions regarding their proposed budgets.

Following discussion, Councilmember Redfern moved and Councilmember Toms seconded that the proposed 2010-2011 Budget be approved.

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

#### AMEND PRELIMINARY PROPERTY TAX RATE AS CERTIFIED BY COUNTY CLERK

Councilmember Mogul moved and Councilmember Obermier seconded that the following Resolution be adopted:

#### RESOLUTION NO. 2010-23

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of York, Nebraska:

That the City of York, Nebraska, has determined the necessity to amend the preliminary property tax rate as certified by the York County Clerk.

That the Mayor and City Council have published notice of a public hearing called for the purpose of receiving testimony on such proposed amendment as provided for in Section 55 of L.B. 693 of the 94th Legislative Second Session.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of York, Nebraska, do hereby determine the necessity to amend the preliminary property tax rate, the amended rate to be determined after the budget documents are prepared.

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

#### SET PROPERTY TAX RATE

Councilmember Redfern moved and Councilmember Toms moved that the following resolution be adopted:

#### RESOLUTION NO. 2010-24

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall

be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of York passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of York that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of York, b a majority vote, resolves that:

- (1) The 2010-2011 property tax request be set at \$0.137076
- (2) A copy of this Resolution be certified and forwarded to the County Clerk on or before September 20, 2010.

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

ADOPT BUDGET AND APPROPRIATE SUMS  
FOR THE NECESSARY EXPENSES AND LIABILITIES

ORDINANCE NO. 2037

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL, TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES AND TO PROVIDE FOR AN EFFECTIVE DATE

Councilmember Toms moved and Councilmember Leggett seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2037 be suspended.

Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. 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. 2037 be passed and adopted.

Roll Call Vote: Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. Motion Carried Ordinance No. 2037 was declared adopted .

AMEND RENTAL RATES AT CITY AUDITORIUM AND COMMUNITY CENTER

Park and Recreation Director Paula Christensen advised the Council that the Park Board had met and recommended increases in the for-profit rental rates.

Following discussion, Councilmember Leggett moved and Councilmember Obermier seconded that the following Resolution be adopted:

RESOLUTION NO. 2010-25

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of York, Nebraska, that the following fees and rates be adopted and become effective September 7, 2010:

CITY AUDITORIUM:

Main Floor

(Capacity 900 seats in balcony and about 850 on floor)

Local, non-profit	\$250.00 day
Local, for profit	\$450.00 day

Out of County	\$650.00 day
Non Profit with Alcohol	\$500.00 day
For Profit with Alcohol	\$650.00 day
Damage/Cleanup Deposit	\$200.00
Set up Fee	\$100.00
Tear Down Fee	\$50.00 per custodian per hour on nights/weekends

Kitchens

Rental	\$ 50.00
Damage/Clean Up Deposit	\$ 50.00

North Dining Room

Rental	\$ 50.00 – four (4) hour maximum- \$10.00 more for each additional hour.
Rental with Alcohol	If just renting this room – no alcohol allowed
Set Up	\$ 10.00
Damage/Clean-Up Deposit	\$ 25.00

USO Room

Rental	\$150.00 day
Rental with Alcohol	\$250.00 day
Set-Up	\$ 50.00
Damage/Clean-Up Deposit	\$100.00

Water Offices

Rental	\$ 15.00 day
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Miscellaneous

PA System	\$ 25.00
Dance Floor (self assemble)	No Charge

COMMUNITY CENTER:

Rental (after hours)	\$125.00 + labor costs – two (2) hour maximum - \$25.00 + labor more for each additional hour
Damage/Clean-Up Deposit	\$200.00
Meeting Room	\$ 20.00 – four (4) hour maximum - \$10.00 more for each additional hour

The City of York reserves the right to withhold refund of deposits and to establish a larger deposit based on type of event .

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

**LEASE PURCHASE AGREEMENTS**

The Lease Purchase Agreement were tabled until the next meeting.

**APPROVE CONTRACT WITH FIREFIGHTERS LOCAL 1648**

The City Administrator outlined the changes in the Contract and advised that the Firefighters Local had signed the Contract.

Following discussion, Councilmember Obermier moved and Councilmember Mogul seconded that the Contract between the City of York and the York Professional Firefighters Local 1648 for the period September 28, 2010 through September 25, 2011 be approved.

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

## APPROVE MAYOR'S APPOINTMENTS

- 1) The Mayor announced his appointment of Don Bailey and Suzanne Vanous to the TIF Advisory Group.  
Councilmember Toms moved and Councilmember Redfern seconded that the appointments be approved.  
Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. Motion Carried
- 2) The Mayor announced his re-appointment of John Kohl to the Aviation Board for a three year term.  
Councilmember Leggett moved and Councilmember Obermier seconded that the re-appointment be approved.  
Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. Motion Carried
- 3) The Mayor announced his re-appointment of Garold Leggott to the Personnel Board.  
Councilmember Brink moved and Councilmember Redfern seconded that the re-appointment be approved.  
Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

## DISCUSS NEGOTIATIONS WITH FRATERNAL ORDER OF POLICE LODGE # 31

The City Administrator advised that the Fraternal Order of Police and the City had reached an agreement for 2010-2011 and that it would not be necessary to adjourn into Executive Session.

## APPROVE CONTRACT WITH FRATERNAL ORDER OF POLICE LODGE # 31

The City Administrator outlined the changes in the contract and advised that the Fraternal Order of Police had signed said contract.

Councilmember Redfern moved and Councilmember Toms seconded that the Contract between the City of York and the Fraternal Order of Police, York Lodge # 31 for the period of September 28, 2010 through September 25, 2011 be approved.

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

## ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 7:38 o'clock p.m.

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C. Jean Thiele, City Clerk

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Mayor Charles W. Harris

