

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
JANUARY 19, 2012
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.

ROLL CALL

Present were: Mayor Harris; Councilmembers: Obermier, Mogul, North, Leggett, Brink, Redfern, Toms and Wolfe. Absent: None. 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 January 18, 2012, 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 Leggett moved and Councilmember Toms seconded that the Minutes of the January 5, 2012 meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

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

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

CLAIMS OF ELECTED OFFICIALS

Councilmember Redfern moved and Councilmember Wolfe seconded that the claim of Ron Mogul, Jr. for Mogul’s Transmissions in the amount of \$81.62 be approved and paid. .

Roll Call Vote: Ayes: Obermier, North, Leggett. Brink. Redfern, Toms and Wolfe. . Nays: None. Councilmember Mogul declared a Conflict of Interest inasmuch as he is an owner of Mogul’s Transmissions and refrained from voting. Motion Carried.

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$13.49 and York Printing Co. in the amount of \$2,111.86 be approved and paid. .

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

CLAIMS

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period January 7, 2011 through January 20, 2011 be approved and paid.

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

NEBRASKA AVENUE REPORT

The Director of Public Works advised that there had been little activity on Nebraska Avenue. The contractor will try to get the 11th Street intersection open. He advised that on the 16th of February there will be a public interest meeting on North Division Avenue. Councilmember Brink thanked the Director for the reports.

APPROVE PLAT

The Mayor announced that this was the time and place set for a public hearing on a preliminary and final plat of a Replat of Lot 6, 7 and South 10' of Lot 8, Block 38 Original Town. The Director of Public Works advised that this is in the R-3 zone, the plat meets the land subdivision regulations and that the Planning Commission had recommended approval of the same.

Councilmember Mogul moved and Councilmember Obermier seconded that the plat be approved.

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

APPROVE APPOINTMENT

The Mayor announced his re-appointment of Jane Brogan to the Board of Adjustment for a three year term.

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

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

APPROVE AGREEMENT

The Director of Public Works advised that in 2013 the Nebraska Department of Roads will overlay Highway 81 east to Seward which will include 450' at the Junction of Division Avenue and Highway 34 within the City Limits of York at no cost to the City.

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

RESOLUTION NO. 2012-01

WHEREAS, the State of Nebraska desires to make improvements on a portion of Highway No. 34 within the corporate limits of the City of York under a highway improvement project denoted as Project No. STP-34-5(114); and

WHEREAS, this highway improvements project will also improve Municipal infrastructure at various locations within the project limits as shown in the agreement; and

WHEREAS, the improvements to be completed within the municipal boundaries are adequately described in the agreement; and

WHEREAS, the municipality's responsibilities under this agreement are adequately described in the agreement and are understood by the municipality; and

WHEREAS, the City of York concurs to enter into this agreement with the State of Nebraska Department of Roads for said improvements; NOW

THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of York, Nebraska, that the Mayor is authorized by this Council to execute this agreement with the State of Nebraska Department of Roads for Project No. STP-34-5(114).

Roll Call Vote: Ayes: Obermier Mogul, Leggett, Brink, Redfern, Toms and Wolfe. Nays: North. Motion Carried

ADJOURN INTO EXECUTIVE SESSION

Councilmember Leggett moved and Councilmember Toms seconded that the Council adjourn into Executive Session to discuss land negotiations, the time being 7:10 o'clock pm.

Roll Call Vote: Ayes: Obermier Mogul, Leggett, Brink, Redfern, Toms and Wolfe. Nays: North. Motion Carried

The Mayor announced that the Council was going into Executive Session to discuss land negotiations.

ADJOURN FROM EXECUTIVE SESSION AND RECONVENE AS A CITY COUNCIL

Councilmember Brink moved and Councilmember Leggett seconded that the Council adjourn from Executive Session and reconvene as a City Council, the time being 7:18 o'clock p.m.

Roll Call Vote: Ayes: Obermier Mogul, Leggett, Brink, Redfern, Toms and Wolfe. Nays: North. Motion Carried

PROCEED WITH SALE OF REAL ESTATE

The City Administrator advised that Glen Coffey of Prairie Homes, Inc. and he had met regarding the sale of the South 20' of Lots 2 and 7 and all of Lots 3, 4, 5 and 6 in Block 4, Hillside Addition to the City of York for the sum of \$60,000. He advised that a lot across the street has recently sold for \$1.81 square feet and that sale of these lots was based somewhat on that. Glen Coffey was present and advised that they wish to construct approximately 1200 square foot townhouses on this property with double garages, basements and decks.

Councilmember Leggett moved and Councilmember Toms seconded to proceed with the sale and authorize the Mayor to sign said purchase agreement.

Roll Call Vote: Ayes: Obermier Mogul, Leggett, Brink, Redfern, Toms and Wolfe. Nays: North. Motion Carried

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:24 o'clock p.m.

C. Jean Thiele, City Clerk

Charles Harris, Mayor