

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
JUNE 16, 2011**

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

Notice of this meeting was given in advance thereof by publication in the York News Times on June 11, 2011, 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 Obermier seconded that the Minutes of the June 2, 2011 meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

Councilmember Toms moved and Councilmember Wolfe seconded that the Fund Balances and Budget Comparison Reports be approved.

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

CLAIMS OF ELECTED OFFICIAL

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Ron Mogul for Mogul's Transmission, Inc. in the amount of \$314.88 be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Redfern, Toms, Wolfe and Obermier. Nays: None. Absent & Not Voting: Brink. Councilmember Mogul declared a Conflict of Interest inasmuch as he is an owner of Mogul's Transmission, Inc. and abstained from voting. Motion Carried

Councilmember Redfern moved and Councilmember Wolfe seconded that the claim of Randy Obermier for York Boot N Repair in the amount of \$250.00 be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Redfern, Toms, Wolfe, and Mogul. Nays: None. Absent & Not Voting: Brink. Councilmember Obermier declared a Conflict of Interest inasmuch as he is the owner of York Boot N Repair and abstained 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 \$46.55 and York Printing Co. in the amount of \$1,616.82 be approved and paid. .

Roll Call Vote: Ayes Leggett, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: Brink. Motion Carried. . Nays: None. 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 moved and Councilmember Toms seconded that the claims for the period June 3, 2011 through June 16, 2011 be approved and paid.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported 1) that no date has been set for a second meeting with either the FOP or Fire Union; and 2) had presented the Council with anticipated increases in rates from NPPD.

NEBRASKA AVENUE REPORT

The Director of Public Works outlined the progress on Nebraska Avenue

APPROVE LIBRARY REMODELING PROJECTS

Library Board Members Mike Teetor and Leonard Hoskins and Library Director Schulz were present at the meeting seeking the Council's approval of a remodeling project at the Kilgore Memorial Library. They advised that Council approval is necessary so the Board can commence fund raising for the project. They anticipate the cost to be \$250,000 to \$285,000. If necessary, the City may pledge the amount of \$60,000 from the book budget to said project.

Following discussion, Councilmember Redfern moved and Councilmember Toms seconded that the Council authorize said Library Board to move forward with their plans for remodeling.

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

APPROVE SPECIAL DESIGNATED PERMITS

Councilmember Redfern moved and Councilmember Mogul seconded to recommend that the application for a Special Designated Permit filed by Tomes, LLC – Hunters Lounge to sell alcoholic beverages at the Cornerstone Event Center on July 9, 2011 for a wedding reception be approved.

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

Councilmember Leggett moved and Councilmember Obermier seconded to recommend that the application for a Special Designated Permit filed by the Fraternal Order of Eagles to sell alcoholic beverages at the Cornerstone Event Center on July 16, 2011 for a wedding reception be approved.

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

Councilmember Obermier moved and Councilmember Wolfe seconded to recommend that the application for a Special Designated Permit field by Kerry's Restaurant and Catering, Inc. to sell alcoholic beverages in the Cornerstone Event Center on July 29, 2011 for a wedding reception be approved.

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

ACCEPT BUILDING

Councilmember Leggett moved and Councilmember Obermier seconded that the Council accept a building by

gift from Wyad to be placed in Miller Park and used for storage purposes.

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

ORDINANCE NO. 2051

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA TO REPEAL SECTION 24-9 OF THE YORK CITY CODE AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Redfern moved and Councilmember Toms seconded that the Statutory Rule requiring reading on three different days of Ordinance No 2051. be suspended.

Roll Call Vote: Ayes: North, Leggett, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: Brink. 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 Redfern seconded that Ordinance No.2051 be passed and adopted.

Roll Call Vote: Ayes: North, Leggett, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: Brink. Motion Carried Ordinance No.2051 was declared adopted .

WAIVE RECEIPT OF NON-PRIMARY ENTITLE FUNDS

The City Administrator and Director of Public Works discussed the advisability of an agreement for the transfer of non-primary entitlements from the Federal Aviation Administration to the Burwell Airport Authority in the amount of \$16,118, said funds to be returned to us in a future year.

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

RESOLUTION NO. 2011-09

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT TO WAIVE RECEIPT OF THE NON-PRIMARY ENTITLEMENT FUNDS APPORTIONED TO THE YORK MUNICIPAL AIRPORT IN FISCAL YEAR(S) 2008, AND TRANSFERTRING THESE FUNDS TO ANOTHER NEBRASKA AIRPORT.

Be it resolved by the Mayor and members of the City Council of York, Nebraska, that

The City shall enter into an Agreement with the Federal Aviation waiving the airport's right to the specified non-primary entitlement funds and transferring those funds to the Burwell Airport Authority.

The Mayor is hereby authorized and directed to execute said Agreement on behalf of the City.

The Agreement referred to hereinabove is attached hereto as Exhibit "O" and made a part hereof by reference.

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:25 o'clock p.m.

C. Jean Thiele, City Clerk

Charles Harris, Mayor