

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
JANUARY 15, 2009**

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: Wolfe, Obermier, Mogul, North, Leggett, rink, Redfern and Toms. Absent: None. Also present were the City Clerk, City Administrator, and City Attorney.

Notice of this meeting was given in advance thereof by publication in the York News Times on January 12, 2009, the City's designated method for giving notice, a coy 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 December 18, 2008 meeting be approved.

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

**FUND BALANCES AND BUDGET COMPARISON**

Councilmember Leggett moved and Councilmember Mogul seconded that the Fund Balances and Budget Comparison Reports be approved.

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

**CLAIM OF ELECTED OFFICIAL**

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$590.04 be approved and paid.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, Leggett, Brink, Redfern and Toms. Nays: None. Councilmember North declared a Conflict of Interest due to the fact that he is the owner of North Office Supplies and abstained from voting: Motion Carried.

**CLAIMS**

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period December 19, 2008 through January 15, 2009 be approved and paid.

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

#### CITY ADMINISTRATOR REPORT

The City Administrator reported that: 1) the City Attorney will now be an employee of the City rather than an outside contractor; and 2) Police Chief Don Klug reported that after the retirement of Lt. Sikes, the Police Department will have four Sergeants rather than three Sergeants and a Lieutenant and introduced Office Mike Hanke as the new Sergeant.

#### APPROVE CDBG DOCUMENTS

1) Councilmember Brink moved and Councilmember Leggett seconded that the City Council approve Resolution No. 2009-1 adopting a policy prohibiting the excessive use of force against non-violent civil rights demonstrators.

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

2) Councilmember Brink moved and Councilmember Obermier seconded that the City Council approve Resolution No. 2009-2 adopting a policy opposing discrimination in the acquisition, ownership possession or enjoyment of housing.

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

3) Councilmember Brink moved and Councilmember Leggett seconded that the City adopting Procurement Procedures and Code of Conduct.

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

#### APPROVE MANAGER

An application filed by Staab d/b/a Pizza Hut to name Jason Lee Meisenhelder as Manager was presented to the Council. Mr. Meisenhelder was present. The Council questioned Mr. Meisenhelder regarding charges. Mr. Meisenhelder replied he has matured since that time and wants to settle down and be an adult. He advised that he has and his stall has taken training via the internet regarding the sale of alcoholic beverages. Mr. Meisenhelder supervisor, Mark Sulzle, was present and advised that Mr. Meisenhelder has demonstrated maturing and responsibility in his employment.

Following discussion, Councilmember Brink moved and Councilmember seconded to recommend approval of the application.

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

#### UPDATE FROM NEBRASKA PUBLIC POWER

Craig Vincent introduced Alan Beiermann (land management) and Mike Hasenkamp (project manager). Mr. Beiermann advised that the growing electrical needs in the area have prompted NPPD to consider the construction of a new power line in the southwest portion of the City which will extend out into the rural area to serve York and the surrounding area. The new four and one-half mile line will be built to carry 69,000 volts, but at present only 34,500 volts will be utilized at the present time. Mr. Beiermann then outlined the proposed time frame for the construction.

#### APPROVE ISSUANCE OF BONDS

The City Administrator outlined the sources, uses, pricing summary, interest rates and debt service schedule for the issuance of Highway Allocation Bonds, Series 2009. The following ordinance was introduced:

#### ORDINANCE NO. 2014

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF YORK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) FOR THE PURPOSE OF PERMANENTLY FINANCING THE

COSTS OF CONSTRUCTION OF STREET IMPROVEMENTS AND RELATED IMPROVEMENTS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilmember Leggett moved and Councilmember Redfern seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2014 be suspended.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. 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 Obermier seconded that Ordinance No. 2014 be passed and adopted.

Roll Call Vote: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Ordinance No. 2014 was declared adopted.

#### WATER WELLFIELD ISSUES

1) The City Administrator reported that all monies had been paid to York County for the acquisition of the wellfields.

2) Councilmember Toms moved and Councilmember Wolfe seconded that Resolution No. 2009-1 be adopted as follows:

BE IT RESOLVED BY THE Mayor and City Council of the City of York, Nebraska, that the City of York has acquired real estate, as identified in the Water Wellfield Investigation Report prepared by Kirkham, Michael and dated May 10, 2007, and intends to establish a well head protection zone and proceed with Phase I Development.

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

3) Councilmember Obermier moved and Councilmember Wolfe seconded that the Mayor be authorized to execute a Professional Engineering Services Municipal Water Well Preliminary Services and Design Proposal.

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

#### OPEN FOREST HEIGHTS DRIVE

#### ORDINANCE NO. 2015

AN ORDINANCE TO ENACT A PROVISION TO OPEN A STREET IN THE CITY OF YORK, KNOWN AS FOREST HEIGHTS DRIVE AND TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE

Councilmember Toms moved and Councilmember Obermier seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2015 be suspended.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. 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. 2015 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Motion Carried. Ordinance No .2015 was declared adopted.

#### ADJOURNMENT

Councilmember Brink moved and Councilmember Redfern seconded that the Council meeting be adjourned the time being 7:43 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor