

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
OCTOBER 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: North, Leggett, Brink, Toms, Wolfe and Obermier. Absent: Redfern and Mogul. 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 October 12, 2009, 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 October 1, 2009 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES AND BUDGET COMPARISON**

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

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

**CLAIM OF ELECTED OFFICIALS**

Councilmember Toms moved and Councilmember Wolfe seconded that the claim of Cy North for North Office Supply in the amount of \$483.43 and York Printing Co. in the amount of \$1,228.62 be approved and paid. .

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

**CLAIMS**

Councilmember Toms moved and Councilmember North seconded that the claims for the period October 1, 2009 through October 15, be approved and paid.

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

## REGISTERED WARRANTS

Councilmember Toms moved and Councilmember Brink seconded that the City Clerk/Treasurer be directed to register warrant payable to Kirkham, Michael, in the amount of \$25,314.12 for design phase of production wells and transmission main.

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

Councilmember Toms moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to issue a warrant payable to MSMSS Rogge Enterprises in the amount of \$18,177.50 for water improvements.

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

## CITY ADMINISTRATOR REPORT

The City Administrator reported: 1) that the Children's Museum wishes to invite the City Council to tour the Museum on November 19<sup>th</sup> at 6:00 p.m.; 2) he has met with Dave Johnson of Studio 951 regarding the concession stand and restroom at East Hill Park; 3) farm reports for the wellfield properties; and 4) advised he had met with County Commissioners Gene Bergen and Gus Brown and Councilmember Brink regarding the possible acquisition of the old York Medical Clinic building – that the Hospital will sell the building for \$200,000 and that the County and City could purchase the same to be used for 4-Corners Health – that 4-Corners Health employees 7 people, 3 of whom live in York.

## PUBLIC HEARINGS

1) The Mayor announced that this was the time and place set for a public hearing on a Preliminary and Final Plat of Irregular Tract No. 6 in Section 26, Township 10 North, Range 3 West of the 6<sup>th</sup> P.M. filed by Joseph & Elaine McCarthy and the City Clerk read the required legal notice. Joe McCarthy was present in support of the plat stating that he is selling the existing house and four acres. The Director of Public Works advised that the plat meets the land subdivision requirements of the A-L Agricultural Zone and that the Planning Commission recommended approval of said plat.

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

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

2) The Mayor announced that this was the time and place set for a public hearing on a Preliminary and Final Plat of Irregular Tract No. 1 in the East Half of the Southwest Quarter of Section 23, Township 11 North, Range 3 West of the 6<sup>th</sup> P.M. filed by Randy and Kathy Quick and the City Clerk read the required legal notice. Randy Quick was present in support of the plat stating that he wishes to build a house on said premises. The Director of Public Works advised that the plat meets the land subdivision requirements of the A-L Agricultural Zone and that the Planning Commission recommended approval of said plat.

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

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

## APPROVE AGREEMENT

Councilmember Leggett moved and Councilmember Obermier seconded that Amendment No. 1 to the Agreement with Kirkham, Michael for Construction Engineering Services for the Water Wellfield and Transmission Main Project be approved.

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

CONSIDER ADJOURNING INTO EXECUTIVE SESSION TO DISCUSS REPORT OF THE PERSONNEL  
BOARD REGARDING FOP # 31 VS THE CITY OF YORK AND  
DISCUSSIONS BETWEEN THE CITY OF YORK AND FOP # 31 REPRESENTATIVES

Councilmember Toms objected to going into Executive Session as he does not believe that this does not meet the requirements for going into Executive Session. The City Attorney advised that this is a language interpretation and that pending litigation qualifies. Toms and Brink agreed that the City needs to be more transparent. There was no motion made to adjourn into Executive Session. The City Administrator reported on discussions between himself and Officers Wolfe and Christensen. He advised that there had been discussion regarding a monetary amount to mitigate the matter. He recommends 1% salary adjustment for one year in a lump sum payment which is approximately \$7,237 or \$633/person or \$760/person with family coverage and \$380.00/person with single person coverage. The FOP offered \$0.56 to \$0.69 for persons with family coverage and \$0.29 to \$0.35 for persons with single person coverage. The City Administrator stated that this would be a 2.3% increase. He advised he then offered \$800/person with family coverage and \$400/person with single person coverage. The FOP countered with \$900/person with family coverage and \$450/person with single person coverage. Councilmember Toms asked why there was not an offer to reinstate the insurance for FOP members as it was prior to the May 1, 2009 increase and reimburse FOP members for actual out of pocket expenses incurred after the May 1 increase. The City Administrator was directed to meet with the FOP prior to the next Council meeting and to report back at the November 5 Council meeting.

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:43 o'clock pm.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor