

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
OCTOBER 16, 2008**

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 President of the Council announced that the Open Meetings Act is posted on the East Wall of the Council Chambers.

ROLL CALL

Present were: Councilmembers: Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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 October 13, 2008, 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 Redfern moved and Councilmember Toms seconded that the Minutes of the October 28, 2008 meeting be approved.

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

PUBLIC HEARING

The Mayor announced that there would be a change of order on the agenda to accommodate the applicant of a plat who has had a death in the family.

The Mayor advised that this was the time and place for a public hearing on a preliminary and final plat of Quail Cove Estates, 2nd Addition and the City Clerk read the required legal notice. Orval Stahr was present stating that Lot 4 has been changed slightly. The Director of Public Works advised that the plat meets the land subdivision regulations and that all lots contain a minimum of the required four acres. No one appeared in opposition.

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

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

REPORTS

Councilmember Mogul moved and Councilmember Leggett seconded that the Departmental Activities Report, Water Department Operational Statement and Sewer Department Operations Statement be approved.

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

FUND BALANCES

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

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

APPROVE ELECTED OFFICIALS' CLAIMS

Councilmember Redfern moved and Councilmember Obermier seconded that the claim of Margaret Brink in the amount of \$434.43 for conference expenses be approved and paid.

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

Councilmember Redfern moved and Councilmember Obermier seconded that the claim of Cy North for North Office Supply in the amount of \$721.96 and York Printing Co. in the amount of \$790.40 be approved and paid.

Roll Call Vote: Ayes: Redfern, Toms, Wolfe, Obermier, Mogul, and Leggett. Nays: None. Absent & Not Voting: Brink. 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 Leggett seconded that the claims for the period October 2, 2008 through October 16, 2008 be approved.

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

Approve Registered Warrants

Councilmember Redfern moved and Councilmember Obermier seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: \$3,482.04 for Karashow Paving District 07-1; \$3,929.28 for Peters Sunrise Estates Paving District 07-2 and 07-3; \$704.50 for 10th Street Paving District 08-1; \$270.62 for 10th Street Sanitary Sewer District 08-1; and \$509.17 for Nebraska Avenue Improvements; Warrant payable to A & R Construction in the amount of \$12,283.70 for 10th Street Paving District 08-1; Warrant payable A & R Construction in the amount of \$53,031.45 for Karashow Ridge Paving District 07-1; and Peters Sunrise Estates Paving Districts 07-2 and 07-3; Warrant payable to General Excavating in the amount of \$3,178.40 for 10th Street Sanitary Sewer District 08-1 and Warrant payable to Constructors, Inc in the amount of \$833,415.46 for asphalt surfacing.

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

REQUEST FROM DALANE EPP

Mr. Dalane Epp of 1615 South Lincoln Avenue was present at the Council meeting. He advised that he bought his property – approximately 21 acres – about three years ago. He advises that he is currently using a septic tank sewage system and that his drainage lines are not functioning properly. He is asking for an exemption from the city code requiring connection to a city sanitary sewer system. He advised that the approximate cost to connect to the sanitary sewer line for 1370 frontage will be \$42,000. He also advised that the city administrator had suggested that he subdivide his property and thus only pay a connection fee on a 150' frontage for an approximate amount of \$23,000. He further advised that he did not wish to subdivide his property. The approximate cost to replace his septic tank and drainage lines would be \$10,000. He inquired as to the process to get the City codes changed and he was advised to contact city administrator.

UPDATE CONTRIBUTION PLAN SERVICES AGREEMENTS

The City Administrator advised that the fee schedule has not changed but contains necessary disclosures.

Councilmember Leggett moved and Councilmember Redfern seconded that the amendments to the York Defined Contribution Retirement Plan be approved.

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

Councilmember Redfern moved and Councilmember Wolfe seconded that the amendments to the City of York Firefighters' Pension Plan be approved.

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

Councilmember Toms moved and Councilmember Obermier seconded that the amendments to the City of York Police Retirement Plan and Trust be approved.

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

SET SPECIAL ASSESSMENT HEARING DATE

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

RESOLUTION NO. 2008-20

BE IT RESOLVED by the Mayor and City Council of the City of York, Nebraska:

That the Certificate of Acceptance of the work completed for Karashow Ridge Subdivision Paving District 071-; Peters Sunrise Estates Paving Districts 07-2 and 07-3; Karashow Ridge Subdivision Water Extension Paving District No. 07-1; 10th Street Paving District 08-1 ;Peters Sunrise Estates Water District 07-2; South Grant Sanitary Sewer Extension District 07-1; Peters Sunrise Estates Sewer Extension District 07-2 and 10th Street Sanitary Sewer Extension District 08-1 are officially accepted and approved by the Council.

That the Statement of Costs for said Districts is officially accepted.

That the proposed schedules for special assessments against properties in Paving District Nos. 07-1, 07-2, 07-3 and 08-1; Water Extension Districts 07-1 and 07-2; Sanitary Sewer Extension Districts 07-1, 07-2 and 08-1 are hereby tentatively approved and placed on file with the City Clerk for inspection by all interested parties; that the Mayor and City Council shall at a regular meeting at Council Chambers, on the 20th day of November, 2008, at 7:00 o'clock p.m. for the purpose of sitting as a Board of Equalization to levy special assessments on the lots and parcels of land benefited by the improvements in said paving districts; that notice of the time of holding such meeting and the purpose for which it is held shall be published in the York News Times, a legal newspaper published and of general circulation in the City, at least 10 days (two publications) before the date of said hearing; that the City Clerk is directed to publish such notice in the form presented to this meeting which form of notice shall be annexed to the minutes showing passage of this resolution, and the Clerk shall mail copies of such notice to all interested parties as provided by law.

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

FIRST READING OF ORDINANCE

The City Administrator outlined the seven year cash flow projections for the wastewater fund which showed that an increase was not necessary at this time.

The City Administrator outlined the seven year cash flow projections for the water fund which shows an increase in rates is necessary.

The following ordinance was introduced for first reading which shows an 8% increase in water rates effective December 8, 2008.

ORDINANCE NO. 2013

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 37 UTILITIES, SECTION 37-43 OF THE MUNICIPAL CODE OF THE CITY OF YORK, NEBRASKA, TO PRESCRIBE WATER RATES, TO REPEAL ALL ORDINANCE IN CONFLICT HEREWITH AND TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

ADJOURNMENT

There being no further business to come before the Council, Leggett moved and Mogul seconded to adjourn the meeting, the time being 7:35 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor