

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
NOVEMBER 19, 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: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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 November 16, 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 November 5, 2009 meeting be approved.

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

REPORTS

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

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

CLAIMS OF ELECTED OFFICIALS

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$525.87 and York Printing Co. in the amount of \$93.75 be approved and paid. .

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, and Leggett. 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.

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Ron Mogul for Mogul's Transmissions, Inc. in the amount of \$112.09 be approved and paid.

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

CLAIMS

Councilmember Redfern moved and Councilmember Brink seconded that the claims for the period November 5, 2009 through November 19, 2009 be approved and paid.

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

REGISTERED WARRANTS

Councilmember Redfern moved and Councilmember Wolfe seconded that the City Clerk/Treasurer be directed to register warrant payable to Kirkham, Michael, in the amount of \$811.00 for construction phase of new water production wells and transmission main; and warrant payable to Kirkham, Michael in the amount of \$5,232.40 for Nebraska Avenue project. .

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

Councilmember Redfern moved and Councilmember Toms seconded that the City Clerk/Treasurer be directed to issue a warrant payable to MSMSS Rogge Enterprises in the amount of \$26,238.88 for water improvements.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported: 1) that he had met with the Visitors Bureau requesting funding for East Hill Park Concession Stand/Restrooms; 2) that wastewater bonds will be called; and 3) that a bond ordinance will be forthcoming regarding the stimulus funding of the Nebraska Avenue project.

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 Sahling Subdivision as filed by Holly Reiter. Mayor Harris declared a conflict of interest. Attorney Kelly Thomas was present stating that Sahling-Kenworth needs to expand their existing facility and that the ground where the existing facility is located and the ground lying east of the present facility needs to be platted as one lot so that the ground to the east does not become land locked. The Director of Public Works advised that the plat meets the land subdivision regulations and the Planning Commission had recommended approval of the plat.

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

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

2) The Mayor announced that this was the time and place set for a public hearing on an resubmission of an application for zoning to retain the R-P Community Unit Plan to allow for a Six-Bed Intermediate Care Facility for Mentally Retarded persons in the Hearthstone Addition to the City of York. Mayor Harris and Councilmember North declared a Conflict of Interest and refrained from discussion. Thomas Zuk, representing Mosaic advised that the Nebraska Health & Human Services had requested that Mosaic provide these types of services for some of the patients at the Beatrice facility. He outlined the facility, advising that it will be manned 24 hours per day. Kelly Thomas, Attorney representing the Hearthstone Retirement group, advised that this use is compatible with the present use. The Director of Public Works advised that the proposed application meets the guidelines of the R-P Community Unit Plan and that the Planning Commission had recommended approval.

Councilmember Brink moved and Councilmember Leggett seconded that the concept applied for by Mosaic be approved.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul and Leggett. Nays: None. Councilmember North, having declared a Conflict of Interest, refrained from voting. Motion Carried.

APPROVE AGREEMENT WITH
STATE OF NEBRASKA DEPARTMENT OF ROADS FOR NEBRASKA AVENUE

1) Councilmember Leggett moved and Councilmember Redfern seconded to approve the following Resolution:

WHEREAS, Supplemental Agreement No. 1 by and between the City of York, Nebraska and the State of Nebraska Department of Roads for Project No. STPAA-6305(1) – Control No. 4105 – Nebraska Avenue 4th to 14th, has come before the City Council of the City of York, Nebraska.

NOW, THEREFORE, it was moved by Councilmember Leggett and seconded by Councilmember Redfern that the Mayor be directed to enter into said Agreement with the State of Nebraska Department of Roads.

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

APPROVE SETTLEMENT AGREEMENT WITH
FRATERNAL ORDER OF POLICE

The Mayor announced that he is recommending approval of the proposed settlement agreement with the FOP.

Councilmember Brink moved and Councilmember Obermier seconded that the proposed agreement be approved.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Obermier, Mogul and Leggett. Abstain: Councilmember Wolfe declared a Conflict of Interest and abstained from voting: Nays: North. Motion Carried.

AWARD BID.

Fire Chief Stuhr was present and advised that bids had been received for a new ambulance. He further advised that two bids did not meet the specifications; that two bids met the specifications and another bid had exceptions by closely met the specifications. He recommended that the bid of Conrad Fire Equipment in the amount of \$157,101 with a trade in allowance of \$9,000 with a net price of \$148,101 be approved.

Councilmember Toms moved and Councilmember Wolfe seconded that the bid of Conrad Fire Equipment in the amount of \$148,101 be approved.

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:40 o'clock pm.

C. Jean Thiele, City Clerk

Charles Harris, Mayor