

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
NOVEMBER 20, 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 Mayor announced that the Open Meetings Act is posted on the East Wall of the Council Chambers.

ROLL CALL

Present were: Councilmembers: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms.
Absent: Wolfe. 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 November 17, 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 Toms moved and Councilmember Leggett seconded that the Minutes of the November 6, 2008 meeting be approved.

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

REPORTS

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

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

FUND BALANCES

Councilmember Obermier moved and Councilmember Mogul seconded that the Fund Balances and Budget Comparison reports be approved.

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

APPROVE ELECTED OFFICIALS' CLAIMS

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$756.86 and York Printing Co. in the amount of \$330.11 be approved and paid.

Roll Call Vote: Ayes: Obermier, Mogul, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. 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 Obermier seconded that the claims for the period November 7, 2008 through November 20, 2008 be approved.

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

APPROVE REGISTERED WARRANTS

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: \$254.33 for Karashow Paving District 07-2; \$8,023.64 for Peters Sunrise Estates Paving District 07-2 and 07-3 and \$1,215.16 for 10th Street Paving District 07-1 and Water District 07-1.

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

COMMENTS FROM JACK SIKES

The City Administrator reported that Lt. Jack Sikes will be retiring from the York Police Department after 39 1/2 years. Jack expressed his appreciation to the City Council, City staff and departments. Jack was given a round of thanks and applause. Everyone wishes Jack the very best in his retirement.

APPROVE SPECIAL USE PERMIT

At 7:00 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on a request for a special use permit filed by Tyson Tilton to operate a child care center on Lots 1 & 2, Block 19, New York Addition (1727 Lincoln Avenue) (said premises is zoned commercial and the zoning allows a child care center with a special use permit) and the City Clerk read the legal notice regarding said matter. Mr. Tilton advised that he is seeking a state license for 28 children – he will have 4-5 employees. He is currently licensed at his residence for 12 children. The City Administrator reported that the Planning Commission had recommended approval.

Following discussion, Councilmember Leggett moved and Councilmember Brink seconded to approve said special use permit.

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

APPROVE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR YORK COLD STORAGE

At 7:00 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on an application for CDBG funds and the City Clerk read the required legal notice. Dave Talladay of Southeast Nebraska Development District spoke on the grant and the grant recipient Great West Teeuwissen, LLC. The grant is in the amount of \$334,000 to assist in a "buy-out" of an existing local business, York Cold Storage. The project will result in the retention of 40 full time jobs, which activity meets the CDBG national objective of benefiting low to moderate income persons. Of the funds, \$329,000 will be available for direct assistance to the buyer and \$5,000 will be available for the CDBG project administrative costs. Another \$171,00 will be provided by the City from Economic Development Program income. The \$500,000 will be loaned to the business under certain conditions and private financing will provide for total estimated project costs of \$4,005,000.

Following discussion, Councilmember Brink moved and Councilmember Toms seconded that the following Resolution be adopted:

RESOLUTION NO. 2008-21 AUTHORIZING THE CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of York, Nebraska, is an eligible unit of general government authorized to file an application under the Housing and Community Development Act of 1974, as Amended, for Small Cities Community Development Block Grant (CDBG) Program; and

Whereas, the City of York, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$334,000 in CDBG funds to assist in the "buy-out" of a local business in order to retain at least 40 FTE positions under the Economic Development Category.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of York, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

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

Councilmember Brink moved and Councilmember Obermier seconded that the Mayor be authorized to sign an Applicant's Statement of Assurance and Certification.

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

APPROVE CHANGE OF LIQUOR LICENSE LOCATION FOR FRATERNAL ORDER OF EAGLES # 3990

Jerry Foulk, Secretary of the Fraternal Order of Eagles, was present and advised the Council that the Eagles had purchased the buildings at 605 and 607 Lincoln and would like to move by the middle of December.

Councilmember Leggett moved and Councilmember Obermier seconded that the change of location be approved.

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

APPROVE MANAGER'S APPLICATION

Tamara Mommens appeared before the Council regarding the application of the Fraternal Order of Eagles # 3990 to appoint her as manager of their liquor license. The Council discussed her two DUIs. Mrs. Mommens advised she had paid her dues, served the time and does not want to have another.

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

Roll Call Vote: Ayes: Obermier, Mogul, North, Brink and Redfern. Nays: Leggett and Toms. Absent & Not Voting: Wolfe. Motion Carried.

APPROVE MANAGER'S APPLICATION

Tod Riley appeared before the Council regarding the application of the York County Club to appoint him as manager of their liquor license.

Councilmember Leggett moved and Councilmember North seconded to recommend approval of said application.

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

PUBLIC HEARING TO ASSESS PAVING DISTRICT 07-1, SANITARY SEWER EXTENSION DISTRICT 07-1; WATER DISTRICT 07-1; PAVING DISTRICTS 07-2 AND 07-3; SANITARY SEWER EXTENSION DISTRICT 07-2 AND WATER EXTENSION DISTRICT 07-2; PAVING DISTRICT 07-1 AND SANITARY SEWER EXTENSION DISTRICT 08-1

Councilmember Toms moved and Councilmember Obermier seconded that the Council adjourn as a City Council and reconvene as a Board of Equalization.

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

KARASHOW PAVING DISTRICT 07-1 AND WATER EXTENSION DISTRICT 07-1:

The Mayor announced that the public hearing on the assessments for Paving District 07-1 and Water Extension District 07-1 was now open.

No one appeared at said meeting regarding above assessments.

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

RESOLUTION NO. 2008-22

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

Section 1. The Mayor and City Council hereby find and determine: That improvements made in the following districts: Paving District 07-1 and Water Extension District 07-1, have been completed and none of the property described in the proposed assessment schedules was damaged thereby; that schedules of proposed assessments for said improvements, as changed as heretofore provided, are correct statements of special benefits arising by reason of said improvements; that the lots and parcels of ground in said Paving District No. 07-1 and Water Extension District 07-1 have been specially benefited by said improvements in the amounts as shown on said schedules as changed, and the amounts shown on said schedules as changed do not exceed the special benefits to said lots and parcels of ground by reason of the improvements in said Paving District 07-1 and Water Extension District 07-1.

Section 2. There shall be and there are hereby levied against each of the lots and parcels of ground set out in the attached schedules for Paving District 07-1 and Water Extension District 07-1 the amounts set out opposite said lots and parcels of ground in said schedules, which schedules will be corrected to reflect any changes heretofore made by the Board of Equalization. Said assessments shall become due 50 days after the date of passage of this Resolution levying special assessments and may be paid within said time without interest, but any installment not paid by said date shall draw interest at the rate of 7% per annum from and after the date of passage of this Resolution, and from and after date of delinquency at the rate provided by law.

Said installments for Paving District 07-1 and Water District 07-1 shall become delinquent in twenty (20) equal installments as follows:

- 1/20th January 9, 2009 (50 days after levy)
- 1/20th one year from date hereof
- 1/20th two years from date hereof
- 1/20th three years from date hereof
- 1/20th four years from date hereof
- 1/20th five years from date hereof
- 1/20th six years from date hereof
- 1/20th seven years from date hereof
- 1/20th eight years from date hereof
- 1/20th nine years from date hereof
- 1/20th ten years from date hereof
- 1/20th eleven years from date hereof

1/20th twelve years from date hereof
1/20th thirteen years from date hereof
1/20th fourteen years from date hereof
1/20th fifteen years from date hereof
1/20th sixteen years from date hereof
1/20th seventeen years from date hereof
1/20th eighteen years from date hereof
1/20th nineteen years from date hereof

Section 3. All said assessments shall be a lien on the property on which levied from the date hereof and shall be certified by the City Clerk to the Treasurer of the City for collection.

Section 4. The Schedules of proposed assessments with any changes therein as heretofore directed by this Board shall be attached to and made a part of the minutes of this meeting and are hereby made a part of this Resolution as if fully stated herein.

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

SANITARY SEWER EXTENSION DISTRICT 07-1:

The Mayor announced that the public hearing on the assessments for Sanitary Sewer Extension District 07-1 was now open.

Kelly Hoffschneider, Attorney at Law, representing property owners Gregory G. and Karen E. Bergen, appeared before the Council objecting to the assessment. He advised that when the Bergens built their home approximately 19 years ago and inquired about connection to the City's sewer, they were told that they would have to utilize a septic system, which they did. He further advised that the sanitary sewer to the west of their property is much closer to their home than the sewer in front of their home. He further advised that the Bergens did not require three options for a sanitary sewer system. Tim Johnson appeared advising that he is now in the city limits and is connected to a septic system and the same works fine. Jerry Waggoner appeared advising that they were advised when they built their home that they would need to provide a septic system, which they did, and the same is still working fine.

He also advised that he strongly feels that there is a double standard. Randy Hitz appeared and advised that he would like an explanation of the costs of the district. Jon Strong appeared asking how the interest rate of 7% was decided. Mary Norquest Shipferling appeared stating that it was her understanding that the sanitary sewer would not become due until the property changed hands. Leonard Logston appeared and inquired whether or not the property owners could decide whether to be assessed or deferred.

The Council discussed whether or not a precedence had been established by the City when the sanitary sewer assessments on Maine Avenue were deferred.

The Mayor then asked that those present advise if they would like to have their property assessed or deferred.

Attorney Hoffschneider advised that the Bergen's property assessed with rights of appeal.

The City Attorney advised that the Ryan Gieck property assessment is to be rescinded.

Mary Norquest Shipferling advised that she wished to have her property assessed

Charles Sanders advised that he wished to have his property deferred

The Assembly of God Church property will be assessed

Jon Strong advised that he wished to have his property deferred

Jerry Waggoner advised that he wished to have his property deferred

Tim Johnson advised that he wished to have his property deferred

Randy Hitz advised that he wished to have his property deferred

Raymond Reetz advised that he wished to have his property deferred

Leonard Logston advised that he wished to have his property differed

Following discussion, Councilmember Redfern moved and Councilmember Brink seconded that the following properties be deferred from Sanitary Sewer Extension District 07-1:

- 1) Timothy A. & Katherine P. Johnson:
Part N/2 of the SE/4 of the NW/4 in Section 7, Township 10 North, Range 2 West of the 6th P.M., York County, Nebraska
- 2) Leonard C. Logston and Shana D. Sweeney:
All of Wilson Addition to the City of York, York County, Nebraska
And
Lot 1, Miller Subdivision, except that part platted as Wilson Addition, to the City of York, York County, Nebraska
- 3) Jerry L. & Elaine R. Waggoner:
Lot 2, Miller Subdivision, a part of the City of York, York County, Nebraska
- 4) Charles M. & Deborah K. Sanders:
Lot 3, Miller Subdivision, a part of the City of York, York County, Nebraska
- 5) Randall W. & Josephine W. Hitz:
South 191.47' of I.T. 17 in the NE/4 of the SW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m., a part of the City of York, York County, Nebraska
- 6) I 80/81 Storage, Inc.
I.T. 55 in the NW/4 of the SW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m., now a part of the City of York, York County, Nebraska
- 7) Raymond C. & Shirley A. Reetz, Trustees:
I.T. 38 in the NW/4 of the SW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m. now a part of the City of York, York County, Nebraska
And
SE/4 of the NW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m., York County, Nebraska except tract described in No. 2 (this property previously deferred inasmuch as the same is outside the City limits and agricultural in nature.

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

Councilmember Redfern moved and Councilmember Brink seconded that the following property be rescinded from any assessment for Sanitary Sewer District 07-1:

Ryan C. & Stacy L. Gieck:
I.T. 50 in the W/2 of the NW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m. a part of the City of York, York County, Nebraska, including 33.0 street right of way

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

Councilmember Redfern moved and Councilmember Brink seconded that the following properties be assessed and Resolution No. 2008-23 be adopted assessing said properties:

- 1) Greamy, LLC:
Lot 1, Block 1, Karashow Ridge
Lot 2, Block 1, Karashow Ridge
Lot 3, Block 1, Karashow Ridge
Lot 4, Block 1, Karashow Ridge
Lot 5, Block 1, Karashow Ridge
Lot 1, Block 3, Karashow Ridge
Lot 4, Block 2, Karashow Ridge
Lot 3, Block 2, Karashow Ridge
Lot 2, Block 2, Karashow Ridge
Lot 1, Block 2, Karashow Ridge

- 2) Assembly of God of York, Nebraska
A part of the NW/4 of the SW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m., a part of the City of York, York County, Nebraska
- 3) Mary Rose Norquest (Shipferling)
I.T. 37 in the NW/4 of the SW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m., a part of the City of York, York County, Nebraska
- 4) Gregory C. & Karen E. Bergen
I.T. 51 in the W/2 of the NW/4 of Section 7, Township 10 North, Range 2 West of the 6th a p.m., a part of the City of York, York County, Nebraska

RESOLUTION NO. 2008-23

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

Section 1. The Mayor and City Council hereby find and determine: That improvements made in the following district: Sanitary Sewer Extension District 07-1, have been completed and none of the property described in the proposed assessment schedules was damaged thereby; that schedules of proposed assessments for said improvements, as changed as heretofore provided, are correct statements of special benefits arising by reason of said improvements; that the lots and parcels of ground in said Sanitary Sewer Extension District 07-1 have been specially benefited by said improvements in the amounts as shown on said schedules as changed, and the amounts shown on said schedules as changed do not exceed the special benefits to said lots and parcels of ground by reason of the improvements in said Sanitary Sewer Extension District 07-1.

Section 2. There shall be and there are hereby levied against each of the lots and parcels of ground set out in the attached schedules for Sanitary Sewer Extension District 07-1 the amounts set out opposite said lots and parcels of ground in said schedules, which schedules will be corrected to reflect any changes heretofore made by the Board of Equalization. Said assessments shall become due 50 days after the date of passage of this Resolution levying special assessments and may be paid within said time without interest, but any installment not paid by said date shall draw interest at the rate of 7% per annum from and after the date of passage of this Resolution, and from and after date of delinquency at the rate provided by law.

Said installments for Sanitary Sewer Extension District 07-1 shall become delinquent in twenty (20) equal installments as follows:

- 1/20th January 9, 2009 (50 days after levy)
- 1/20th one year from date hereof
- 1/20th two years from date hereof
- 1/20th three years from date hereof
- 1/20th four years from date hereof
- 1/20th five years from date hereof
- 1/20th six years from date hereof
- 1/20th seven years from date hereof
- 1/20th eight years from date hereof
- 1/20th nine years from date hereof
- 1/20th ten years from date hereof
- 1/20th eleven years from date hereof
- 1/20th twelve years from date hereof
- 1/20th thirteen years from date hereof
- 1/20th fourteen years from date hereof
- 1/20th fifteen years from date hereof
- 1/20th sixteen years from date hereof
- 1/20th seventeen years from date hereof
- 1/20th eighteen years from date hereof
- 1/20th nineteen years from date hereof

Section 3. All said assessments shall be a lien on the property on which levied from the date hereof and

shall be certified by the City Clerk to the Treasurer of the City for collection.

Section 4. The Schedules of proposed assessments with any changes therein as heretofore directed by this Board shall be attached to and made a part of the minutes of this meeting and are hereby made a part of this Resolution as if fully stated herein.

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

PETERS SUNRISE ESTATES PAVING DISTRICTS 07-2 AND 07-3; WATER EXTENSION DISTRICT 07-2 AND SANITARY SEWER EXTENSION DISTRICT 07-2:

The Mayor announced that the public hearing on the assessments for Paving Districts 07-2 and 07-3; Water Extension District 07-2 and Sanitary Sewer Extension District 07-2 was now open.

No one appeared in regard to said districts.

Councilmember Toms moved and Councilmember Leggett seconded that the following resolution be adopted:

RESOLUTION NO. 2008-24

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

Section 1. The Mayor and City Council hereby find and determine: That improvements made in the following district: Paving Districts 07-2 and 07-3; Sanitary Sewer Extension District 07-2 and Water Extension District 07-2, have been completed and none of the property described in the proposed assessment schedules was damaged thereby; that schedules of proposed assessments for said improvements, as changed as heretofore provided, are correct statements of special benefits arising by reason of said improvements; that the lots and parcels of ground in said Paving Districts 07-2 and 07-3, Sanitary Sewer Extension District 07-2 and Water Extension District 07-2 have been specially benefited by said improvements in the amounts as shown on said schedules as changed, and the amounts shown on said schedules as changed do not exceed the special benefits to said lots and parcels of ground by reason of the improvements in said Paving Districts 07-2 and 07-3, Water Extension District 07-2 and Sanitary Sewer Extension District 07-2. .

Section 2. There shall be and there are hereby levied against each of the lots and parcels of ground set out in the attached schedules for Paving Districts 07-2 and 07-3, Water Extension District 07-2 and Sanitary Sewer Extension District 07-2 the amounts set out opposite said lots and parcels of ground in said schedules, which schedules will be corrected to reflect any changes heretofore made by the Board of Equalization. Said assessments shall become due 50 days after the date of passage of this Resolution levying special assessments and may be paid within said time without interest, but any installment not paid by said date shall draw interest at the rate of 7% per annum from and after the date of passage of this Resolution, and from and after date of delinquency at the rate provided by law.

Said installments for Paving Districts 07-2 and 07-3; Water Extension District 07-2 and Sanitary Sewer Extension District 07-2 shall become delinquent in twenty (20) equal installments as follows:

- 1/20th January 9, 2009 (50 days after levy)
- 1/20th one year from date hereof
- 1/20th two years from date hereof
- 1/20th three years from date hereof
- 1/20th four years from date hereof
- 1/20th five years from date hereof
- 1/20th six years from date hereof
- 1/20th seven years from date hereof
- 1/20th eight years from date hereof
- 1/20th nine years from date hereof
- 1/20th ten years from date hereof
- 1/20th eleven years from date hereof

1/20th twelve years from date hereof
1/20th thirteen years from date hereof
1/20th fourteen years from date hereof
1/20th fifteen years from date hereof
1/20th sixteen years from date hereof
1/20th seventeen years from date hereof
1/20th eighteen years from date hereof
1/20th nineteen years from date hereof

Section 3. All said assessments shall be a lien on the property on which levied from the date hereof and shall be certified by the City Clerk to the Treasurer of the City for collection.

Section 4. The Schedules of proposed assessments with any changes therein as heretofore directed by this Board shall be attached to and made a part of the minutes of this meeting and are hereby made a part of this Resolution as if fully stated herein.

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

SANITARY SEWER EXTENSION DISTRICT 08-1:

The Mayor announced that the public hearing on the assessments Sanitary Sewer Extension District 08-1 was now open.

Frank Wiens appeared asking that his assessment be deferred.

Ken Mayberry appeared with questions regarding deferred assessments. He also advised that he was surprised by the amount of the front footage assessments.

Councilmember Toms moved and Councilmember Redfern seconded that the following properties be deferred from assessment for Sanitary Sewer Extension District 08-1:

- 1) Franklin M. & Kathy L. Wiens:
I.T. 17 in the NE/4 of the NW/4 of Section 5, Township 10 North, Range 2 West of the 6th p.m., a part of the City of York, Nebraska
- 2) Franklin M. & Kathy L. Wiens:
I.T. 16 in the NE/4 of the NW/4 of Section 5, Township 10 North, Range 2 West of the 6th p.m., a part of the City of York, Nebraska

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

Councilmember Toms moved and Councilmember Redfern seconded that the following properties be assessed and the following resolution be adopted:

- 1) Kenneth L. & Susan K. Mayberry:
Lots 3, 4 and 5, all in Predmore Subdivision to the City of York

RESOLUTION NO. 2008-25

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

Section 1. The Mayor and City Council hereby find and determine: That improvements made in the following district: Sanitary Sewer Extension District 08-1 have been completed and none of the property described in the proposed assessment schedules was damaged thereby; that schedules of proposed assessments for said improvements, as changed as heretofore provided, are correct statements of special benefits arising by reason of said improvements; that the lots and parcels of ground in said Sanitary Sewer Extension District 08-1 have been specially benefited by said improvements in the amounts as shown on said schedules as changed, and the amounts shown on said schedules as changed

do not exceed the special benefits to said lots and parcels of ground by reason of the improvements in said Sanitary Sewer Extension District 08-1. .

Section 2. There shall be and there are hereby levied against each of the lots and parcels of ground set out in the attached schedules for Sanitary Sewer Extension District 08-1, the amounts set out opposite said lots and parcels of ground in said schedules, which schedules will be corrected to reflect any changes heretofore made by the Board of Equalization. Said assessments shall become due 50 days after the date of passage of this Resolution levying special assessments and may be paid within said time without interest, but any installment not paid by said date shall draw interest at the rate of 7% per annum from and after the date of passage of this Resolution, and from and after date of delinquency at the rate provided by law.

Said installments for Sanitary Sewer Extension District 08-1 shall become delinquent in twenty (20) equal installments as follows:

- 1/20th January 9, 2009 (50 days after levy)
- 1/20th one year from date hereof
- 1/20th two years from date hereof
- 1/20th three years from date hereof
- 1/20th four years from date hereof
- 1/20th five years from date hereof
- 1/20th six years from date hereof
- 1/20th seven years from date hereof
- 1/20th eight years from date hereof
- 1/20th nine years from date hereof
- 1/20th ten years from date hereof
- 1/20th eleven years from date hereof
- 1/20th twelve years from date hereof
- 1/20th thirteen years from date hereof
- 1/20th fourteen years from date hereof
- 1/20th fifteen years from date hereof
- 1/20th sixteen years from date hereof
- 1/20th seventeen years from date hereof
- 1/20th eighteen years from date hereof
- 1/20th nineteen years from date hereof

Section 3. All said assessments shall be a lien on the property on which levied from the date hereof and shall be certified by the City Clerk to the Treasurer of the City for collection.

Section 4. The Schedules of proposed assessments with any changes therein as heretofore directed by this Board shall be attached to and made a part of the minutes of this meeting and are hereby made a part of this Resolution as if fully stated herein.

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

PAVING DISTRICT 08-1:

The Mayor announced that the public hearing on the assessments for District 08-1 was now open.

It was noted that paving assessment cannot be deferred unless the same are outside the city limits and agricultural in use.

Councilmember Toms moved and Councilmember Obermier seconded that the following resolution be adopted assessing properties in Paving District 08-1:

RESOLUTION NO. 2008-26

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

Section 1. The Mayor and City Council hereby find and determine: That improvements made in the following district: Paving District 08-1 have been completed and none of the property described in the proposed assessment schedules was damaged thereby; that schedules of proposed assessments for said improvements, as changed as heretofore provided, are correct statements of special benefits arising by reason of said improvements; that the lots and parcels of ground in said Paving District 08-1 have been specially benefited by said improvements in the amounts as shown on said schedules as changed, and the amounts shown on said schedules as changed do not exceed the special benefits to said lots and parcels of ground by reason of the improvements in said Paving District 08-1. .

Section 2. There shall be and there are hereby levied against each of the lots and parcels of ground set out in the attached schedules for Paving District 08-1, the amounts set out opposite said lots and parcels of ground in said schedules, which schedules will be corrected to reflect any changes heretofore made by the Board of Equalization. Said assessments shall become due 50 days after the date of passage of this Resolution levying special assessments and may be paid within said time without interest, but any installment not paid by said date shall draw interest at the rate of 7% per annum from and after the date of passage of this Resolution, and from and after date of delinquency at the rate provided by law.

Said installments for Paving District 08-1 shall become delinquent in twenty (20) equal installments as follows:

- 1/20th January 9, 2009 (50 days after levy)
- 1/20th one year from date hereof
- 1/20th two years from date hereof
- 1/20th three years from date hereof
- 1/20th four years from date hereof
- 1/20th five years from date hereof
- 1/20th six years from date hereof
- 1/20th seven years from date hereof
- 1/20th eight years from date hereof
- 1/20th nine years from date hereof
- 1/20th ten years from date hereof
- 1/20th eleven years from date hereof
- 1/20th twelve years from date hereof
- 1/20th thirteen years from date hereof
- 1/20th fourteen years from date hereof
- 1/20th fifteen years from date hereof
- 1/20th sixteen years from date hereof
- 1/20th seventeen years from date hereof
- 1/20th eighteen years from date hereof
- 1/20th nineteen years from date hereof

Section 3. All said assessments shall be a lien on the property on which levied from the date hereof and shall be certified by the City Clerk to the Treasurer of the City for collection.

Section 4. The Schedules of proposed assessments with any changes therein as heretofore directed by this Board shall be attached to and made a part of the minutes of this meeting and are hereby made a part of this Resolution as if fully stated herein.

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

ADJOURN AS BOARD OF EQUALIZATION

Councilmember Obermier moved and Councilmember Toms seconded that the Council adjourn as a Board of Equalization and reconvene as a City Council.

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

APPROVE CONTRACT WITH KIRKHAM, MICHAEL

Councilmember Leggett moved and Councilmember Mogul seconded that the Mayor be authorized to execute a contract with Kirkham, Michael for a GIS Conversion of the water and sanitary sewer infrastructure for the City of York in an amount not to exceed \$50,000.

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

RE-OPEN PUBLIC HEARING ON SANITARY SEWER EXTENSION DISTRICT 07-1

Attorney Hoffschneider appeared before the Council stating that the Bergens wish to have their assessment in Sanitary Sewer Extension District 07-1 deferred.

Councilmember Brink moved and Councilmember Toms seconded that the public hearing in regard to Sanitary Sewer Extension District 07-1 be re-opened only as it pertains to the Bergen property.

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

The question was asked about deferment. It was explained that at the time the property is connected to system, that entire connection fee will be paid (there will be no 20 year payment) and the connection fee will be at the existing rate at the time of connection.

Councilmember Leggett moved and Councilmember Obermier seconded that the following property be deferred from assessments in Sanitary Sewer Extension District 07-1:

- 1) Gregory C. & Karen E. Bergen”
I.T. 51 in the W/2 of the NW/4 of Section 7, Township 10 North, Range 2 West of the 6th p.m., a part of the City of York, York County, Nebraska.

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

AMEND WATER RATES

ORDINANCE NO. 2013

Ordinance No. 2013 came on for third reading.

Councilmember Obermier moved and Councilmember Redfern seconded that the ordinance be adopted.

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

REPORT ON WATER WELLFIELD LAND ACQUISITION

The City Administrator brought the Council up to date on wellfield land acquisition.

ADJOURN INTO EXECUTIVE SESSION TO DISCUSS WATER WELLFIELD LAND ACQUISITION AND POTENTIAL LITIGATION

Councilmember Toms moved and Councilmember Obermier seconded that the Council adjourn into Executive Session to discuss water wellfield land acquisition and potential litigation, the time being 9:13 o'clock p.m.

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

The Mayor announced the Council was going into executive session to discuss water wellfield land

acquisition and potential litigation.

ADJOURN FROM EXECUTIVE SESSION

Councilmember Leggett moved and Councilmember Brink seconded to adjourn from Executive Session, the time being 9:27 o'clock p.m.

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

ADJOURNMENT

There being no further business to come before the Council, Brink moved and Mogul seconded to adjourn the meeting, the time being 9:27 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor