

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
NOVEMBER 6, 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.

Present were: Mayor Charles Harris; Councilmembers Toms, Wolfe, Obermier, Mogul, North, Leggett, Brink and Redfern. Absent: None. Also present was the City Clerk.

Notice of this meeting was given in advance thereof by publication in the York News Times on November 3, 2008. 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 Brink moved and Councilmember Mogul seconded that the Minutes of the October 16, 2008 meeting be approved.

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

**CLAIMS**

Councilmember Redfern moved and Councilmember Obermier seconded that the claims for the period of October 17, 2008 through November 6, 2008 be approved and paid.

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

**APPROVE ELECTED OFFICIALS CLAIMS**

1) Councilmember Redfern moved and Councilmember Leggett seconded that the claim of Randy Obermier, d/b/a R. T. Properties, Inc. in the amount of \$2,250.00 be approved and paid.

Roll Call Vote: Ayes: Toms, Wolfe, Mogul, North, Leggett, Brink and Redfern. Councilmember Obermier declared a conflict of interest inasmuch as he is the owner of R.T. Properties, Inc. and abstained from voting. Nays: None. Motion Carried.

2) Councilmember Redfern moved and Councilmember Toms seconded that the claim of Diane Wolfe in the amount of \$39.78 be approved and paid.

Roll Call Vote: Ayes: Toms, Obermier, Mogul, North, Leggett, Brink and Redfern. Councilmember Wolfe declared a conflict of interest and abstained from voting. Nays: None. Motion Carried.

3) Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office in the amount of \$279.26 be approved and paid.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Leggett, Brink and Redfern. Councilmember North declared a conflict of interest inasmuch as he is the owner of North Office Supply and abstained from voting. Nays: None. Motion Carried.

**IMPLEMENT FACT**

(FAIR CREDIT REPORTING ACT)

Councilmember Brink moved and Councilmember Redfern seconded that the following Resolution be adopted:

RESOLUTION NO. 2008-21

WHEREAS, THE City of York, Nebraska, a utility provider and also makes housing and economic development loans; and

WHEREAS, Public Law 108-159 went into effect on December 4, 2003 and amends the Fair Credit Reporting Act; and

WHEREAS, such amendment known as the Fact Act requires creditors, including utility companies and lenders, to comply with the Act; and

WHEREAS, City is defined under 15 U.S.C. Sec. 1681a(5), a creditor that maintains and offers accounts for which there is a reasonably foreseeable risk of identity theft; and

WHEREAS, compliance with the Act requires a creditor to create and implement a written Identity Theft Prevention Program.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of York, Nebraska, that the City hereby adopts the "City of York, Nebraska Identity Theft Prevention Program, which is attached to this Resolution.

BE IT FURTHER RESOLVED that said Program is appropriate to the size and complexity and the scope of the City's activities; and that the Program is reasonably calculated to identify and detect relevant Red Flags indicating a potential risk of identity theft, and includes appropriate responses to such Red Flags that will help mitigate and prevent identity theft.

BE IT FURTHER RESOLVED that the City's Finance Officer shall report annually to the City Council on City's compliance with 16 CFR Sec. 681.2 as required by the Act.

BE IT FURTHER RESOLVED that the Finance Officer will review the Program from time to time in order to recommend changes to the Program to reflect changes in risks to City's customers.

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

APPROVE RAP AGREEMENT

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

RESOLUTION NO 2008-22

WHEREAS, law enforcement agencies within the following counties: Butler, Clay, Fillmore, Hamilton, Jefferson, Merrick, Nuckolls, Saline, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort, and

WHEREAS, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 29 #08-MI-802); and

WHEREAS, the RA.P. project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, agencies and communities within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage

and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et. sq., would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purposes of carrying out the R.A.P. objectives and grant requirements of the Nebraska Crime Commission.

BE IT RESOLVED THAT:

The Mayor and City Council of the City of York, Nebraska authorizes Donald Klug, Police Chief to enter the City of York, Nebraska into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807. The interlocal agreement shall be the strict administration of the R.A.P. project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the R.A.P. members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies, i.e. state, county, city, or village. (Nebraska Revised Statute 13-801)

Amount of Match dollars allocated by the City of York, Nebraska for the 2007-2008 grant period will be \$4,040.50.

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

#### SECOND READING OF ORDINANCE NO. 2013

Ordinance No. 2013 – An Ordinance to amend Water Rates and Charges, was read on Second Reading.

#### ADJOURN INTO EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION FOR STREET RIGHT OF WAY

The Mayor announced that the Council will be adjourning into Executive Session to discuss land acquisition for street right of way.

Councilmember Leggett moved and Councilmember Obermier seconded that the Council adjourn into Executive Session to discuss land acquisition for street right of way, the time being 7:07 o'clock p.m.

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

#### ADJOURN FROM EXECUTIVE SESSION

Councilmember Toms moved and Councilmember Obermier seconded that the Council adjourn from Executive Session, the time being 7:15 o'clock p.m.

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

#### ADJOURNMENT

There being no further business to come before the Council, Councilmember Obermier moved and Councilmember Leggett seconded that the meeting be adjourned, the time being 15 o'clock p.m.

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

Motion Carried.

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor