

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
FEBRUARY 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: Mogul, North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Absent: None. 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 February 9, 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 Toms moved and Councilmember Leggett seconded that the Minutes of the February 5, 2009 meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

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

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

CLAIM OF ELECTED OFFICIALS

1) Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$168.20 and York Printing Co. for \$143.58 be approved and paid. .

Roll Call Vote: Ayes: Mogul, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Nays: None. . Councilmember North declared a Conflict of Interest due to the fact that he is the owner of North Office Supplies and abstained from voting: Motion Carried.

2) Councilmember Redfern moved and Councilmember Toms seconded that the claim of Ron Mogul for Mogul's Transmission in the amount of \$148.06 be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Nays: None. Councilmember Mogul declared a Conflict of Interest due to the fact that he is an owner of Mogul's Transmission and abstained from voting.

Motion Carried.

CLAIMS

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

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

REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register a warrant payable to the Nebraska Department of Roads in the amount of \$2,623.23 for preliminary engineering for the Nebraska Avenue project.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported that: 1) the sales tax receipts for the last five months is up 7%; (2) that a Memorandum of Understanding for the participation of York County in a Hazard Mitigation Planning Study at a cost of \$5,560.00 for the City, will be presented to the Council at the next meeting for action; (3) Excel Development has asked the City to allow them to have the streets in their expanded development be private streets so that they may be reimbursed for the costs therefore, but that the streets will revert to City ownership in 10-15 years – the City Attorney will draw up an agreement and present it to the Council for action; and (4) the Utilities Committee of the Council met with Zach Suddarth of Cornerstone Bank regarding the possible management of the water wellfield to be planted to low maintenance crops..

APPROVE ONE AND SIX YEAR STREET IMPROVEMENT PROGRAM

The Mayor advised that this was the time and place set for a public hearing on the City's One and Six Year Street Improvement Program and the City Clerk read the legal notice regarding said matter. The Director of Public Works outlined said plan, with the only items listed on the one year improvement being Nebraska Avenue from Beaver Creek to 14th Street and the completion of the Lincoln Avenue underpass (which is a state project). He further advised that the Planning Commission had recommended approval.

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

RESOLUTION 2009-3

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

That the One and Six Year Highway and Street Improvement Program of the City of York, Nebraska, is hereby adopted after due and legal publication of the Notice of Public Hearing thereon as directed by the State Highway Commission and public hearing thereon and that this Resolution and documents attached thereto shall serve a certification of matters herein to said Commission as required by law, the passage hereof being prior to the anniversary date of original filing herein.

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

APPROVE ISSUANCE OF BONDS

Scott Keane of Ameritus outlined the sources, uses, pricing summary, interest rates and debt service schedule for the issuance of General Obligation Various Purpose Bonds for the all-inclusive rate of 4.31%. The following ordinance was introduced:

ORDINANCE NO. 2016

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2009 OF THE CITY OF YORK, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION SIX HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,685,000) TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN PAVING DISTRICT NOS. 07-1, 07-2, 07-3 AND 08-1, WATER EXTENSION DISTRICT NOS. 07-1 AND 07-2, AND SANITARY SEWER EXTENSION DISTRICT NOS. 07-1, 07-2 AND 08-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR A PAYING AGENT AND REGISTRAR FOR THE BONDS; AUTHORIZING A BOND PURCHASE AGREEMENT; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Councilmember Leggett moved and Councilmember Redfern seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2016 be suspended.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Nays: None. The motion was adopted by a three-fourths vote of the Council and the Statutory Rule suspended for consideration of said Ordinance on its second and third reading.

Councilmember Leggett moved and Councilmember Obermier seconded that Ordinance No. 2016 be passed and adopted.

Roll Call Vote: Mogul, North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. . Nays: None. Ordinance No. 2016 was declared adopted.

Mr. Keane also discussed with the Council the possibility of refunding G.O. Bonds Series 1999 for a present value savings of \$85,000 and Sewer Revenue Bonds 2002 for a prevent value savings of \$78,000.

ADJOURNMENT

Councilmember Brink moved and Councilmember Redfern seconded that the Council meeting be adjourned the time being 7:27 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles Harris, Mayor