

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
FEBRUARY 21, 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: Mayor Harris; Councilmembers: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Absent: Wolfe. . Also present were the City Clerk, City Attorney, 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 18, 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 Leggett moved and Councilmember Toms seconded that the Minutes of the February 7, 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 Obermier moved and Councilmember Mogul 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 Redfern moved and Councilmember Obermier 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.

CLAIMS

Councilmember Redfern moved and Councilmember Obermier seconded that the claims for the period February 8, 2008 through January 21, 2008 be approved.

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

APPROVE ELECTED OFFICIALS' CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claims of North

Office Supply in the amount of \$310.26 and York Printing Co. in the amount of 1,049.50 be approved

Roll Call Vote: Ayes: Obermier, Mogul Leggett, Brink, Redfern and Toms. . Nays: None. Absent & Not Voting: Wolfe. Councilmember North declared a conflict of interest in that he is owner of North Office and York Printing Co. and abstained from voting. Motion Carried.

Approve Registered Warrants:

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register the following warrants issued to Kirkham, Michael for engineering in connection with the following projects: Peters Sunrise Estates Subdivision: Warrant in the amount of \$1,893.06 for engineering in connection with Water Extension District 07-2; Warrant in the amount of \$1,685.36 for engineering in connection with Sanitary Sewer Extension District 07-2; Karashow Ridge Subdivision: Warrant in the amount of \$2,452.70 for engineering in connection with Sanitary Sewer Extension District 07-1; East 10th Street: Warrant in the amount of \$2,452.70 for engineering in connection with Sanitary Sewer Extension District 08-1; and Warrant payable in the amount of \$12,746.62 for engineering in connection with Nebraska Avenue projects from 14th street to Beaver Creek; and Warrant in the amount of \$249,337.70 payable to Rutjens Construction, Inc. for progress Estimate No. 2 for water and sewer projects in Karashow Ridge and Peters Sunrise Estates.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported: (1) the appraisals on the well field are complete – that staff will be contacting landowners and meeting with them in the near future; and (2) sales tax receipts are strong.

APPROVE ONE & SIX YEAR STREET
IMPROVEMENT PROGRAM

At 7:00 o'clock p.m. the Mayor announced that this was the time set for a public hearing on the City's One and Six Year Street Improvement and the City Clerk read the legal notice regarding said matter. The Director of Public Works outlined the plan in detail.

Following discussion, Councilmember Leggett moved and Councilmember Obermier seconded that the following Resolution be adopted:

RESOLUTION NO. 2008-3

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of York, Nebraska:

That the One an Six Year Highway and Street Improvement Program of the City of York, Nebraska, is hereby adopted after due and legal publication of 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.

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

APPROVE AGREEMENTS

1) Councilmember Toms moved and Councilmember Brink seconded that the Council approval Maintenance Agreement No. 25 between the Nebraska Department of Roads and the City of York.

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

2) Councilmember Brink moved and Councilmember Leggett seconded that the Council approve the Certificate of Compliance per terms of the Maintenance Agreement No. 25 for 2007.

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

3) Councilmember Brink moved and Councilmember Obermier seconded that the Council approve an Engineering Agreement with Kirkham, Michael for Construction Phase Services for Peters Sunrise Estates Subdivision Paving District No. 07-2 and 07-3 in an amount not to exceed \$34,900.

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

4) Councilmember Leggett moved and Councilmember Brink seconded that the Council approve an Engineering Agreement with Kirkham, Michael for Construction Phase Services for Karashow Subdivision Paving District No. 07-1.

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

CREATE SANITARY SEWER EXTENSION DISTRICT NO. 08-1

ORDINANCE NO. 2005

AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 08-1 IN THE CITY OF YORK, YORK COUNTY, NEBRASKA, ESTABLISHING THE OUTER BOUNDARIES OF SAID DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE SANITARY SEWER LINE FOR SAID DISTRICT; REFERRING TO PLANS AND SPECIFICATIONS AND ESTIMATE OF THE ENGINEER IN CONSTRUCTION THEREWITH ON FILE WITH THE CITY CLERK; AND PROVIDING THAT SPECIAL ASSESSMENTS MAY BE LEVIED IN PROPORTION TO BENEFITS TO THE PROPERTY IN SAID DISTRICT

Councilmember Redfern moved and Councilmember Toms seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2005 be suspended.

Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. 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 Obermier moved and Councilmember Leggett seconded that Ordinance No. 2005 be passed and adopted.

Roll Call Vote: Ayes: Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Absent & Not Voting: Wolfe. Ordinance No. 2005 was declared adopted.

APPROVE PLANS AND SPECS FOR AIRPORT SAFETY ZONE IMPROVEMENTS AND SET BID OPENING DATE

Councilmember Mogul moved and Councilmember Brink seconded that the plans and specifications for the Airport Safety Zone Improvements be approved and that the bid opening date be set for March 17, 2008.

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

AWARD CONTRACT

Councilmember Obermier moved and Councilmember Redfern seconded that the Council award a contract to Constructors, Inc. in the amount of \$284,482.50 for 2008 asphaltic concrete surfacing.

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

RECOMMEND APPROVAL OF SPECIAL DESIGNATED PERMIT APPLICATION

Councilmember Leggett moved and Councilmember Brink seconded that the Council recommend approval of a Special Designated Permit Application filed by the Fraternal Order of Eagles to sell alcoholic beverages in the Cornerstone Event Center on March 15, 2008 for the Fireman's 125th Anniversary.

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

ADJOURNMENT

Councilmember Leggett moved and Councilmember Obermier seconded that the Council meeting be adjourned the time being 7:38 o'clock p.m.

Roll Call Vote: Ayes: 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