

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
MARCH 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: Leggett, Brink, Redfern, Toms, Wolfe, Obermier, Mogul and North. . Absent: None. Also present were the City Clerk, City Attorney, and Director of Public Works.

Notice of this meeting was given in advance thereof by publication in the York News Times on March 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 March 5, 2009 meeting be approved.

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

REPORTS

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

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

CLAIM OF ELECTED OFFICIALS

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$248.73 be approved and paid. .

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

CLAIMS

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

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

APPROVE SALE OF PROPERTY

The City Attorney advised that Mr. & Mrs. Duane Grotz had signed a purchase agreement for Lot 2, York Industrial Park, Second Platting, First Replat for the sum of \$24,605.00. The following Ordinance was introduced:

ORDINANCE NO. 2017

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA, TO DIRECT THE SALE AND CONVEYANCE OF CERTAIN REAL ESTATE IN THE CITY OF YORK, NEBRASKA, MORE PARTICULARLY DESCRIBED AS HEREIN SET FORTH, AND PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH CONVEYANCE AND THE TERMS THEREOF; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE..

Councilmember Redfern moved and Councilmember Mogul seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2017 be suspended.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Obermier, Mogul and North. 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 Brink seconded that Ordinance No. 2017 be passed and adopted.

Roll Call Vote: Mogul, Leggett, Brink, Redfern, Toms, Wolfe, Obermier, Mogul and North. . . Nays: None. Ordinance No. 2017 was declared adopted.

APPROVE ISSUANCE OF BONDS

Scott Keane of Ameritus was present regarding the issuance of water revenue bonds for land acquisition for the water wellfield. The bonds will be issued for an amount up to \$4,000,000. He advised the ordinance is a parameter ordinance that will allow for the bonds to be issued in one or two series and the bonds will be let for bidding in approximately two weeks – the ordinance also addresses the stimulus grant and revolving loan in the amount of approximately \$3,000,000. Following discussion, the following ordinance was introduced:

ORDINANCE NO. 2018

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF WATER SYSTEM REVENUE BONDS OF THE CITY OF YORK, NEBRASKA, IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000) FOR THE PURPOSE OF FINANCING THE ACQUISITION OF LAND FOR, AND THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO, THE CITY'S WATERWORKS PLANT AND SYSTEM; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE WATERWORKS PLANT AND SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON AND PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID WATERWORKS PLANT AND SYSTEM; MAKING CERTAIN DETERMINATIONS; DETERMINING THE INTEREST RATES AND MATURITY AMOUNTS FOR SUCH BONDS BY SETTING PARAMETERS AND PROVIDING AUTHORIZATION FOR EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE SALE OF SAID BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE INITIAL PURCHASER; MAKING CERTAIN UNDERTAKINGS WITH RESPECT TO DISCLOSURE; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Leggett moved and Councilmember Toms seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2018 be suspended.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Obermier, Mogul and North. 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 Obermier moved and Councilmember Brink seconded that Ordinance No. 2018 be passed and adopted.

Roll Call Vote: Leggett, Brink, Redfern, Toms, Wolfe, Obermier, Mogul and North. Nays: None. Ordinance No. 2018 was declared adopted.

APPROVE AGREEMENT WITH ADOPT A PET

The City Attorney advised that Adopt a Pet has been approved for a loan with USDA and that USDA is requiring on agreement between the City of York and Adopt a Pet showing the city's commitment to Adopt a Pet for a long period of time.

Councilmember Leggett moved and Councilmember Toms seconded that the Mayor be authorized to enter into said agreement.

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

AWARD BID

The Director of Public Works advised that bids had been received for a 2009 Compact Tractor. He further advised that the low bid of Commercial Turf and Tractor did not meet the specifications for net horsepower or the lift capacity at the hitch point. Therefore, he recommends that the award be made to Nebraska Equipment, Inc., the second low bidder, in the amount of \$22,175.00 for the tractor plus front end weights and a canopy.

Councilmember Obermier moved and Councilmember Wolfe seconded that the award for the tractor go to Nebraska Equipment, Inc. in the total amount of \$22,175.00.

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

ADJOURNMENT

Councilmember Brink moved and Councilmember Redfern seconded that the Council meeting be adjourned the time being 7:28 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles Harris, Mayor