

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

**ROLL CALL**

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

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

**REPORTS**

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

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

**CLAIMS**

Councilmember Obermier moved and Councilmember Wolfe seconded that the claims for the period March 7, 2008 through March 20,2008 be approved.

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

**APPROVE ELECTED OFFICIALS' CLAIMS**

Councilmember Obermier moved and Councilmember North seconded that the claims of Margaret

Margaret Brink in the amount of \$71.00 for conference expenses be approved and paid.

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

The claims of Cy North, Ron Mogul, Jr and Randy Obermier were tabled until the April 3, 2008 meeting.

Approve Registered Warrants:

Councilmember Obermier moved and Councilmember Wolfe 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: Karashow Ridge Subdivision: Warrant in the amount of \$656.00 for engineering in connection with Sanitary Sewer Extension District 07-1; East 10<sup>th</sup> Street: Warrant in the amount of \$3,042.79 for engineering in connection with Sanitary Sewer Extension District 08-1; and Warrant payable in the amount of \$3,868.37 for engineering in connection with Nebraska Avenue projects from 14<sup>th</sup> street to Beaver Creek.

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

RECOMMEND APPROVAL OF CLASS DK LIQUOR  
LICENSE

At 7:00 o'clock p.m. the Acting Mayor announced that this was the time set for a public hearing on an application for a Class DK Liquor License and the Acting City Clerk read the legal notice regarding said matter. The applicant, Gerald Wilkinson d/b/a JWs Catering was present in support of the application. He advised that at his catered functions he will have guards at the doors and minors will be required to wear arm bands. His servers are trained and most have already taken the necessary classes. He further advised that his storage facility is secure.

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

RESOLUTION NO: 2008-2

BE IT RESOLVED

That Gerald Wilkinson, d/b/a JWs Catering, has made application for a Class "DK" Liquor License for sale of Spirits, Wine, Beer Off Sale at 1726 Division, York, Nebraska.

That the Mayor and City Council of the city of York, Nebraska, have held a public hearing on the 20<sup>th</sup> day of March, 2008, pursuant to Nebraska Liquor Control Act and Ordinance No.1525 of the City of York; and

That notice of the time and place of hearing herein has been given as provided by law; and

That the Mayor and Council in hearing conducted herein have considered licensing standards and criteria set forth in Ordinance No. 1525 of the City of York, and appropriate statutory provisions and find:

- (1) That the application will further the public interest.
- (2) That the application will provide an improvement to the locality or neighborhood.
- (3) That the application will provide an improvement to the City of York, Nebraska, and a true increase to the service to the public.
- (4) That the application will not be detrimental to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK, NEBRASKA, that it is the recommendation of this body that the application for a Class "DK" liquor license for the sale of Spirits, Wine, Beer Off Sale, as submitted by Gerald Wilkinson, d/b/a JWs Catering, 1726 Division, City of

City of York, Nebraska, be approved and such recommendation be transmitted to the Nebraska Liquor Control Commission.

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

#### APPROVE SITING OF A CONSTRUCTION AND DEMOLITION WASTE DISPOSAL AREA

At 7:00 o'clock p.m. the Acting Mayor announced that this was the time and place set for a public hearing on the siting of a construction and demotion waste disposal area and the Acting City Clerk read the legal notice regarding said matter. Jess Hurlbert of Olsson Associates outlined the proposed site, stating that the placement of debris will be above ground with the initial site being 13 acres with an approximate 25 year life. The Director of Public Works advised that property owners within 1000 feet of the proposed site has received written notification of the site and the date of public hearing. The Director of Public Works also advised that the Planning Commission held a public hearing on the matter and recommended approval of the site. Tom McBride of Epworth Village spoke in support of the site stating that they will be the first customer inasmuch as they will be replacing a structure. No one appeared in opposition to the siting and placement of the construction and demotion waste disposal area.

Following discussion, Councilmember Mogul moved and Councilmember Wolfe seconded that the proposed site be approved.

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

#### APPROVE AGREEMENTS

Councilmember Obermier moved and Councilmember North seconded that the Council approve an Equipment/Construction Contract; Drug Free Workplace document and Application for Assistance for Airport Project No. 3-31-0104-10(R02)

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

#### AWARD CONTRACT

Councilmember Mogul moved and Councilmember Obermier seconded that the Council award a contract to General Excavating in the amount of \$30,074.00 for 10<sup>th</sup> Street Sanitary Sewer Extension District No. 08-1.

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

The award of bids for Runway 17 Safety Area Grading & Threshold Relocation at York Municipal Airport were tabled.

#### ADJOURNMENT

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

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor

