

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
MARCH 5, 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.

Present were: Mayor Harris; Councilmembers: North, Leggett, Brink, Toms, Wolfe and Mogul. Absent: Redfern and Obermier. Also present was 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 March 2, 2009. 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 Wolfe seconded that the Minutes of the February 19, 2009 meeting be approved.

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

**CLAIMS**

Councilmember Mogul moved and Councilmember Toms seconded that the claims for the period of February 20, 2009 through March 5, 2009 be approved and paid.

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

**APPROVE ELECTED OFFICIALS CLAIMS**

1) Councilmember Mogul moved and Councilmember Brink seconded that the claim of Mayor Chuck Harris in the amount of \$322.36 for conference expense be approved and paid.

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

2) Councilmember Leggett moved and Councilmember North seconded that the claim of Ron Mogul, Jr. in the amount of \$67.00 for conference expense be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Brink, Toms and Wolfe. Nays: None. Absent and Not Voting: Redfern and Obermier. Councilmember Mogul declared a conflict of interest and abstained from voting. Motion Carried.

3) Councilmember Leggett moved and Brink seconded that the claim of Mogul Real Estate in the amount of \$100,000.00 for TIF funds be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Brink, Toms and Wolfe. Nays: None. Absent & Not Voting: Redfern and Obermier. Councilmember Mogul declared a conflict of interest inasmuch as he is a part owner of Mogul Real Estate and abstained from voting. Motion Carried.

4) Councilmember Brink moved and Councilmember Wolfe seconded that the claim of Cy North in the

amount of \$322.26 for conference expenses be approved and paid.

Roll Call Vote: Ayes: Leggett, Brink, Toms, Wolfe and Mogul. Nays: None. Absent & Not Voting: Redfern and Mogul. Councilmember North declared a conflict of interest and abstained from voting. Motion Carried.

5) Councilmember Brink moved and Councilmember Leggett seconded that the claim of Cy North for North Office Supply in the amount of \$245.39 be approved and paid.

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

6) Councilmember Mogul moved and Councilmember Leggett seconded that the claim of Margaret Brink in the amount of \$339.36 for conference expense be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Toms, Wolfe and Mogul. Nays: None. Absent & Not Voting: Redfern and Obermier. Councilmember Brink declared a conflict of interest and abstained from voting. Motion Carried.

7) Councilmember Mogul moved and Councilmember Brink seconded that the claim of Diane Wolfe in the amount of \$346.62 for conference expense be approved and paid.

Roll Call Vote: Ayes: North, Leggett, Brink, Toms, and Mogul. Nays: None. Absent & Not Voting: Redfern and Obermier. Councilmember Wolfe declared a conflict of interest and abstained from voting. Motion Carried.

8) Councilmember Toms moved and Councilmember Brink seconded that the claim of Randy Obermier in the amount of \$322.36 for conference expense be approved and paid.

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

9) Councilmember Toms moved and Councilmember Brink seconded that the claim of Randy Obermier for York Boot N Repair in the amount of \$8,280.00 for TIF funds be approved and paid.

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

#### CITY ADMINISTRATOR'S REPORT

The City Administrator reported that the City has been awarded stimulus funds in the amount of \$3,359,000, 25% of which is a grant and 75% a low interest loan – which funds will be used for Phase I and 2 of the water wellfield.

Councilmembers Brink and Wolfe reported on the presentation at the Annual League of Municipalities meeting regarding Council retreats.

#### APPROVE RE-USE LOAN

Adam Broughton was present regarding an application for Re-Use funds in the amount of \$40,000 over a 60 month period at an interest rate of one-half of the prime rate, to be used for the rehab of the building at 13<sup>th</sup> & Grant, which will include a loading dock. He advised that ice production will be increased and that two persons will be hired.

Following discussion, Councilmember Leggett moved and Councilmember North seconded that the loan be approved.

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

**AMEND AMBULANCE RATES**

Fire Chief Stuhr was present regarding amending ambulance rates. He advised that rates had not been increased since 2006.

Following discussion, Councilmember Brink moved and Councilmember Wolfe, seconded that the following Resolution be adopted:

**RESOLUTION NO. 2009-4**

WHEREAS, the City of York, Nebraska, provides ambulance services; and

WHEREAS, Medicare will no longer allow ambulance providers to itemizes supplies in ambulance billings, and thus the City will need to adjust its rates.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of York, Nebraska, that as of April 1, 2009, the following ambulance fees will be imposed:

Level of Service		Rate:
BLS Non Emergency	Resident	\$ 300.00
	Non-Resident	\$ 420.00
BLS Emergency	Resident	\$ 455.00
	Non-Resident	\$ 640.00
ALS Non Emergency	Resident	\$ 415.00
	Non-Resident	\$ 580.00
ALS I Emergency	Resident	\$ 570.00
	Non-Resident	\$ 795.00
ALS II Emergency	Resident	\$ 720.00
	Non-Resident	\$1,010.00
Intercept	Resident	\$ 570.00
	Non-Resident	\$ 795.00
Mileage	Resident	\$ 14.00
	Non-Resident	\$ 14.00
Lift Assist	Resident	\$ 50.00
	Non-Resident	\$ 50.00

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

**APPROVE MEMORANDUM OF UNDERSTANDING**

The City Administrator advised that the York County Emergency Manager has recommended that York County participate in a Hazard Mitigation Planning Study for York County, The plan is a community-guided document that will identify the participating community's vulnerability to natural disasters and set goals for each participating entity, establish mitigation alternatives and prioritize projects which can alleviate potential damages to property and life when future disasters occur. The cost of the project is \$65,840; FEMA will pay 75% and York County will pay 25% - the City of York's share is \$5,560.00.

Councilmember Mogul moved and Councilmember Brink seconded that the Mayor be directed to execute said Memorandum of Understanding.

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

APPROVE OFFER TO PURCHASE

The City Administrator reported that a written offer had been received from Duane Grotz to purchase Lot 3, York Industrial Park, consisting of 1.33 acres) for the amount of \$18,500/acre for a total amount of \$24,605. He will be erecting an 80 x 125 steel building for a seed warehouse and distribution facility. The City Administrator reported that YCDC had been contacted and recommends the sale.

Councilmember Toms moved and Councilmember Brink seconded that the sale be approved.

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

APPROVE AGREEMENT WITH CORNERSTONE BANK FARM MANAGEMENT

The City Administrator advised that request for qualifications had been sent out to local farm management firms for the management of the farmground on the wellfield property, but that only Cornerstone Bank responded. The Utilities Committee had met with Zach Suddarth of Cornerstone Farm Management and is recommending that the wellfield farm ground be managed by Cornerstone Farm Management so as to control what is planted and the amount of chemicals used. Zach was present at the Council meeting and advised that soybeans will be planted this first year and then alternated with wheat for the ensuing years. He advised that the ground will be custom farmed and the bank’s fee is 5% of the gross. Ray Makovicka, a neighboring land owner, advised that there is a 10” buried pvc pipe across this property which drains his property and he would like access to this pipe to keep it clear of debris. The Mayor advised him to discuss the matter with Zach.

Following discussion, Councilmember Leggett moved and Councilmember North seconded that the Mayor be authorized to enter into an agreement with Cornerstone Bank Farm Management for the management of the wellfield farm ground.

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

ADJOURNMENT

There being no further business to come before the Council, Councilmember Leggett moved and Councilmember Mogul seconded that the meeting be adjourned, the time being 7:31 o’clock p.m.

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

---

C. Jean Thiele, City Clerk

---

Charles W. Harris, Mayor