

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
APRIL 2, 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: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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 March 30, 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 Obermier moved and Councilmember Toms seconded that the Minutes of the March 19, 2009 meeting be approved.

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

CLAIMS

Councilmember Mogul moved and Councilmember Mogul seconded that the claims for the period of March 20, 2009 through April 2, 2009 be approved and paid.

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

APPROVE ELECTED OFFICIALS CLAIMS

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$142.24 and York Printing Co. in the amount of \$173.30 be approved and paid.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul and Leggett. Councilmember North declared a conflict of interest inasmuch as he is the owner of North Office Supply and York Printing Co. and abstained from voting. Nays: None. Motion Carried.

CITY ADMINISTRATOR'S REPORT

The City Administrator reported (1) that the City had closed the CDBG Loan and Grant with Great West Teeuwissen, LCC. And (2) that state stimulus money for Nebraska Avenue from 4th to 14th Street has been granted to the City of York.

Orville Davidson, Director of Public Works advised, with mixed emotions, that he will be retiring June 1, 2009 – That he has enjoyed his work and working with the Councilmembers and Staff, but that the time has come to spend more time with his wife and family.

**VACATION OF STREET
AND
ACQUISITION OF PERMANENT EASEMENT**

The City Administrator advised that in order for Excel Development to get the proper credit to development Phase II, they will need to own portions of 8th Street and Wisconsin Avenue within their development. The City will retain a permanent easement for the street right-of-way and will be responsible for snow removal, etc. As the end of a certain time period, the street ownership will be returned to the City of York

The following ordinances were introduced:

ORDINANCE NO. 2019

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA, TO VACATE PORTIONS OF 8TH STREET AND WISCONSIN AVENUE IN YORKTOWNE ESTATES; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

Councilmember Leggett moved and Councilmember Obermier seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2019 be suspended.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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. 2019 be passed and adopted.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried. Ordinance No. 2019 was declared adopted.

ORDINANCE NO. 2020

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF A PERMANENT EASEMENT BY THE CITY OF YORK, NEBRASKA AND TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE

Councilmember Toms moved and Councilmember Obermier seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2020 be suspended.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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. 2020 be passed and adopted.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried. Ordinance No. 2020 was declared adopted.

OCCUPATION TAX AND
CONTRACTOR REGISTRATION

Councilmember Redfern moved and Councilmember Obermier seconded that the Occupation Tax listing and Contractor Registrations for the period 2009/2010 be approved.

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

APPROVE PRELIMINARY SCHEDULE FOR
YORK WATER IMPROVEMENT PROJECTS

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

RESOLUTION NO. 2009-5

BE IT RESOLVED by the Mayor and City Council of the City of York, Nebraska that the following Preliminary Schedule for York Water Improvements Projects be adopted:

Master Plan/Study (PER)	Completed
Test Hole/Wellfield Investigation	Completed
Hydro Geologic Modeling	Draft Completed
Design Engineering Contract	Completed
Land Acquisition	Completed
Environmental Agency Consultation	Completed
City Council/Approve Preliminary Schedule	April 2, 2009
Submit Milestone # 1 Requirements	April 17, 2009
Bid Letting – Water Distribution Mains	May 4, 2009
Permit Applications – NRD	May 1, 2009
City Council Public Hearing	May 7, 2009
City Council Awards Construction Contract – Distribution Mains	May 7, 2009
Complete All Construction Contract Documents	July 17, 2009
Permit Applications – NHHS/NDEQ	July 17, 2009
Bid Letting – Well Field and Transmission Main	August 4, 2009
City Council Awards Construction Contract – Wellfield/Transmission Main	August 6, 2009
Construction Contract Executed	September 1, 2009

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. 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 7:21 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor

