

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
MAY 1, 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.

Present were: North, Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Absent: None. Also present with the City Clerk, and City Administrator.

Notice of this meeting was given in advance thereof by publication in the York News Times on April 28, 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 Redfern moved and Councilmember Toms seconded that the Minutes of the April 17, 2008 meeting be approved.

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

**APPROVE CLAIMS**

Councilmember Redfern moved and Councilmember Obermier seconded that the claims for the period April 17, 2008 through May 1, 2008 be approved.

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

**APPROVE ELECTED OFFICIALS CLAIMS**

1) Councilmember Redfern moved and Councilmember Obermier seconded that the claim of Mogul's Transmission in the amount of \$65.00 be approved.

Roll Call Vote: Ayes: North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Nays: None. Abstained: Mogul declaring a conflict of interest inasmuch as he is an owner of Mogul's Transmission and abstained from voting. Motion Carried.

2) Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$101.26 and York Printing Co. in the amount of \$1,063.85 be approved.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Abstained: 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 REPORT**

The City Administrator reported that (1) the City is making slow progress on the well field; (2) by mid May Nebraska Avenue should be ready for bids; (3) the carpet is finally finished in City hall; (4) the household hazardous waste drop off is set for Saturday (May 3) at 8:00 am. And (5) Paulsen Construction should be starting the underpass in June.

Councilmember Brink wished to thanks Chuck Hansen for his work at the Senior Center.

**RECOMMEND APPROVAL OF LIQUOR LICENSE  
FOR PETRO STOPPING CENTERS**

At 7:00 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on an application for a Class B Liquor Licensed filed by Petro Stopping Centers LP d/b/a Petro Stopping Centers 62 and the City Clerk read the required legal notice. Lori Batterton, local manager, and Sam Tahour were present representing the applicant. They advised that the change in ownership precipitated the application for said license and that they already have a Class B liquor license.

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

**RESOLUTION NO. 2008-6**

**BE IT RESOLVED**

That Petro Stopping Centers LP d/b/a Petro Stopping Centers 62, has made application for a Class "B" Liquor License for sale of Beer Off Sale at 4700 South Lincoln, York, Nebraska.

That the Mayor and City Council of the city of York, Nebraska, have held a public hearing on the 1st day of May, 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 "b" liquor license for the sale of Beer Off Sale, as submitted by Petro Stopping Centers LP d/b/a Petro Stopping Centers 62, 4700 South Lincoln Avenue, City of York, Nebraska, be approved and such recommendation be transmitted to the Nebraska Liquor Control Commission.

Roll Call Vote: Ayes: North, Leggett, Brink, Redfern, Wolfe and Obermier. Nays: Toms and Mogul. Motion Carried.

**APPROVE AGREEMENT**

The City Administrator advised that he and the Fire Chief had been meeting with the Rural Fire

District and had reached an agreement which make the payment formula much easier to understand. He advised that the Rural Fire District has signed the agreement.

Following discussion, Councilmember Toms moved and Councilmember Brink seconded that the Agreement be approved.

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

#### AWARD CONTRACT FOR 10<sup>TH</sup> STREET PAVING

The City Administrator advised that bids had been received for 10<sup>th</sup> Street Paving and that the low bidder was A & R Construction.

Councilmember Obermier moved and Councilmember Mogul seconded that the City award a contract to A & R Construction in the amount of \$122,908.69 for Paving District No. 08-1.

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

#### APPROVE MAYOR'S APPOINTMENT

The Mayor announced his appointment of Lisa Riley to the Planning Commission for the unexpired term of Judy Wiley, said term to expire January 1, 2009.

Councilmember Redfern moved and Councilmember Leggett seconded that the appointment be approved.

Roll Call Vote: Ayes: North, Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. 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 7:17 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor