

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
JUNE 17, 2010**

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: Mogul, North, Leggett, Redfern, Toms, Wolfe and Obermier Absent: Brink. 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 June 14 2010, 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**

1) Councilmember Mogul moved and Councilmember Toms seconded that the Minutes of the May 20, 2010 meeting be approved.

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

2) Councilmember Leggett moved and Councilmember Redfern seconded that the Minutes of the June 3, 2010 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES AND BUDGET COMPARISON**

Councilmember Leggett moved and Councilmember Obermier seconded that the Fund Balances and Budget Comparison Reports be approved.

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

**CLAIMS OF ELECTED OFFICIAL**

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$142.65 and York Printing Co. in the amount of \$2,503.76 be approved and paid. .

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

Motion Carried.

### CLAIMS

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period June 3, 2010 through June 16, 2010 be approved and paid.

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

### REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Wolfe seconded that the City Clerk/Treasurer be directed to register warrant payable to Kirkham, Michael in the amount of \$1,190.10 for the Nebraska Avenue Project.

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

### CITY ADMINISTRATOR REPORT

The City Administrator reported that: Black Hills Energy had thanked the News Times on the article on their meter change out; thanked the News Times on its article regarding the CDBG rehab grant; advised that he, Toms and Redfern had attended the York Towne Estates open house and that the seconded meeting with the FOP had been held and a report may be given at the next meeting.

### PUBLIC HEARINGS

1) The Mayor announced that this was the time and place set for a public hearing on an inclusion plat of Irregular Tract 12 in the Southeast Quarter of Section 25, Township 11 North, Range 3 West filed by Donald Witte and Richard Kant and the City Clerk read the required legal notice regarding said matter. The City Administrator reported that this 40 acre tract is being replatted and will be designated blighted and substandard in order to become eligible for TIF funds. He further advised that the area is zoned Industrial and that the Planning Commission recommended approval of the plat.

Councilmember Obermier moved and Councilmember Toms seconded that the inclusion plat be approved.

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

2) The Mayor announced that this was the time and place set for a public hearing on a preliminary and final plat of Crystal Lake Subdivision in the Southeast Quarter of Section 25, Township 11 North, Range 3 West filed by Donald Witte and Richard Kant and the City Clerk read the required legal notice regarding said matter. Ross Ronne, representing Crystal Lake Subdivision, spoke in support of the plat – advising that Irregular Tract 12 is being subdivided into two approximately 20 acre tracts. The Planning Commission recommended approval of said plat.

Councilmember Leggett moved and Councilmember Wolfe seconded that the plat be approved.

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

3) The Mayor announced that this was the time and place set for a public hearing on a preliminary and final plat of Tietmeyer's Subdivision filed by Todd Bartek and the City Clerk read the required legal notice regarding said matter. Todd Bartek spoke in support of the plat stating that he is platting the existing house from the balance of the tract. The Director of Public Works advised that the plat meets the land subdivision requirements and that the Planning Commission had recommended approval of the plat.

Councilmember Obermier moved and Councilmember Leggett seconded that the plat be approved.

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

4) The Mayor announced that this was the time and place set for a public hearing on an application for a Class C Liquor and Manager's License filed by Grand Central Foods and the City Clerk read the required legal notice. Warren Thomas representing Grand Central was present and advised that he wished to change his liquor license from a Class D (on sale only) to a Class C (on and off sale) in order to have wine tasting events in the store. The Council voiced concern over a Class C license in a grocery store and setting the precedence. The Council advised that Kirk's Korner had held wine tasting events in his establishment using a Special Designated Permit.

Following discussion, Councilmember Leggett moved and Councilmember Toms seconded to table this matter.

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

#### APPROVE SPECIAL DESIGNATED PERMIT APPLICATIONS

1) Matt Leif, representing the Knights of Columbus, was present seeking approval of a Special Designated Permit Application to sell alcoholic beverages at the York County fairgrounds in connection with the York County Fair on August 6 and 7, 2010.

Councilmember Obermier moved and Councilmember Leggett seconded to recommend approval of said application.

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

2) Melanie Wilkinson on behalf of her husband, was present and stated that the application to sell alcoholic beverages at the York County Fairgrounds for a demolition derby had been originally approved for April 30, 2010 but that the sponsors changed the date to June 19, 2010 with a rain date of June 20, 2010.

Councilmember Leggett moved and Councilmember Wolfe seconded to recommend approval of said application from April 30, 2010 to June 19, 2010.

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

#### CHANGE NAMES ON STREET SIGNS

The Director of Public Works discussed a letter from Bette Peters addressed to the City Council and Planning Commission advising that the streets to Peters Sunrise Estates were named after her grandchildren but the same were misspelled on the street signs. The Director of Public Works advised that the present street signs were printed with the spelling used on the original plat of said area and that the Planning Commission had recommended that the streets signs be corrected.

Councilmember Toms moved and Councilmember North seconded that the street signs be corrected.

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

#### ADOPT CURRENT BUILDING, MECHANICAL AND PLUMBING CODES

The Director of Public Works spoke on the advisability of adopting the latest editions of the above codes.

1) The following Ordinances were introduced:

#### ORDINANCE NO. 2032

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 9 BUILDINGS, ARTICLE II, BUILDING CODE; CHAPTER 28 PLUMBING, ARTICLE I. ADMINISTRATION AND ARTICLE V. PLUMBING CODE; REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Toms moved and Councilmember Redfern seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2032 be suspended.

Roll Call Vote: Ayes: Mogul, North, Leggett, Redfern, Toms, Wolfe, and Obermier. Nays: None. Absent & Not Voting: Brink. Motion Carried 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 Toms moved and Councilmember Mogul seconded that Ordinance No. 2032 be passed and adopted.

Roll Call Vote: Ayes: Mogul, North, Leggett, Redfern, Toms, Wolfe, and Obermier. Nays: None. Absent & Not Voting: Brink. Motion Carried Ordinance No. 2030 was declared adopted.

2)

#### ORDINANCE NO. 2033

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 9 BUILDING; REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Leggett moved and Councilmember Obermier seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2033 be suspended.

Roll Call Vote Ayes: Mogul, North, Leggett, Redfern, Toms, Wolfe, and Obermier. Nays: None. Absent & Not Voting: Brink. Motion Carried 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 Leggett seconded that Ordinance No. 2033 be passed and adopted.

Roll Call Vote: Ayes: Mogul, North, Leggett, Redfern, Toms, Wolfe, and Obermier. Nays: None. Absent & Not Voting: Brink. Motion Carried Ordinance No. 2033 was declared adopted.

3)

#### ORDINANCE NO. 2034

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 29 HEATING, VENTILATING AND COOLING; REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Mogul moved and Councilmember Wolfe seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2034 be suspended.

Roll Call Vote Ayes: Mogul, North, Leggett, Redfern, Toms, Wolfe, and Obermier. Nays: None. Absent & Not Voting: Brink. Motion Carried 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 Mogul moved and Councilmember Leggett seconded that Ordinance No. 2034 be passed and adopted.

Roll Call Vote: Ayes: Mogul, North, Leggett, Redfern, Toms, Wolfe, and Obermier. Nays: None. Absent & Not Voting: Brink. Motion Carried Ordinance No. 2034 was declared adopted.

#### APPROVE MAYOR'S APPOINTMENT

The Mayor announced his appointment of Patti Vincent to the Housing Authority for the unexpired term of Joe McCluskey. The Mayor thanked Joe for his service to the Authority.

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

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:30 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor