

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
JUNE 18, 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.

**ROLL CALL**

Present were: Mayor Harris; Councilmembers: Mogul, Leggett, Redfern, Toms, Wolfe and Obermier. Absent: North and Brink. . Also present were the City Clerk, City Administrator, City Attorney, and Director of Public Works.

Notice of this meeting was given in advance thereof by publication in the York News Times on June 15, 2009, 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 Toms moved and Councilmember Obermier seconded that the Minutes of the June 4, 2009 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES AND BUDGET COMPARISON**

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

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

**CLAIM OF ELECTED OFFICIALS**

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$492.60 and York Printing Co. in the amount of \$1,528.14 be approved and paid. .

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

Councilmember Redfern moved and Councilmember Leggett seconded that the claim of Ron Mogul, Jr. for Mogul's Transmissions in the amount of \$140.20 be approved and paid.

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

## CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period May 22, 2009 through June 18, 2009 be approved and paid.

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

## REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Wolfe seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$51,453.65 payable to MSMSS Rogge Enterprises for Water System Improvements 2009-1.

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

## CITY ADMINISTRATOR REPORT

The City Administrator reported: 1) that he and Mark Christiansen had met with the NRD Committee on June 9<sup>th</sup> to talk about the water well field acquisition. The Committee recommends approval for the drilling of the wells and a cap on the amount of water that can be drawn annually. The matter was sent to the Board which will meet at 8:00 tonight.

### APPROVE PRELIMINARY AND FINAL PLAT

The Mayor announced that this was the time and place for a public hearing on a preliminary and final plat of Reetz Subdivision comprising Irregular Tract No. 34 in Section 7, Township 11 North, Range 2 West of the 6<sup>th</sup> P.M..filed by Dave & Deanna Reetz and the City Clerk read the required legal notice. David Reetz was present stating that he will be selling the large building. The Staff Engineer advised that the Planning Commission had recommended approval that the plat meets the land subdivision requirements

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

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

### APPROVE TIF APPLICATION

Councilmember Leggett moved and Councilmember Toms seconded that the Council adjourn as a Council and reconvene as a Community Redevelopment Authority.

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

Ross Ronne was present seeking TIF funds in the amount of \$3,240.00 to replace windows on the north and east sides of the Norm Green Realty Building and replace the broken sidewalk and parking lot. The City Administrator reported that the funds sought are 20% of the total project and that the TIF Advisory Group had met and recommends approval.

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

### RESOLUTION NO. 2009-11

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

The York, Nebraska City Council, acting as the Community Development Agency, has approved a redevelopment plan, pursuant to the Nebraska Community Development Law, Section 18-2103 and Section 18-2111 reissue of 1991 items (1) through (6) and Section 18-2113 for windows replacement and replace sidewalk and parking lot with concrete filed by Norm Green Realty and Auction. in the amount of \$3,240.00 in TIF funds and the eventual consideration of entering into an agreement with the subject property owner for tax increment financing for

said improvements contingent on the following conditions:

- a. Delivery of the following to the York City Administration for their review.
  1. Development proforma including the sources and uses of funds proposed for the subject property; and
  2. Income and expense proforma for the time period proposed for all funding sources.
- b. Proof of securement of all other financial sources proposed for the development of the subject project including, but not limited to:
  1. Letter of credit for both construction and permanent financing.
  2. Legal proof of securement of any and all, both public and private funding sources identified in item "a".

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

Councilmember Leggett moved and Councilmember Obermier seconded that the Council adjourn as a Community Redevelopment Authority and reconvene as a City Council.

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

#### APPOINTMENT OF JERRY PIGSLEY

The City Attorney outlined the grievance process and recommended that the City be represented by Counsel at the Personnel Board meeting. He advised that he has a conflict of interest and highly recommends the appointment of Jerry Pigsley – that his firm is very knowledgeable in labor relation matters. Councilmembers Toms and Wolfe disagreed with the opinion rendered by Mr. Pigsley. Kim Christensen and Roger Wolfe expressed their opinions and advised they were agreeable to a meeting with the Council to discuss the matter.

After considerable discussion, Councilmember Redfern moved and Councilmember Mogul seconded to hire Mr. Pigsley to represent the City through the appeal to the Personnel Board.

Roll Call Vote: Ayes: Mogul, Leggett, Redfern, and Obermier. Nays: Toms and Wolfe. Absent & Not Voting: North and Brink, Motion Carried.

#### APPROVE APPOINTMENT OF MARK CHRISTIANSEN AS DIRECTOR OF PUBLIC WORKS

THE Mayor advised of his appointment of Mark Christiansen as Director of Public Works stating that he has been pleased with Mark's job performance. Mark told the Council that he has enjoyed his work for the City and looks forward to serving as Director of Public Works.

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

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

#### ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:45 o'clock pm.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor

