

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
JUNE 19, 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.

ROLL CALL

Present were: Councilmembers: Redfern, Toms, Wolfe, Obermier, Mogul, North, Leggett and Brink. Also present were the City Clerk, City Attorney, 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 16, 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 Brink moved and Councilmember Leggett seconded that the Minutes of the June 5, 2008 meeting be approved.

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

REPORTS

Councilmember Mogul moved and Councilmember Obermier seconded that the Departmental Activities Report, Water Department Operational Statement and Sewer Department Operations Statement be approved.

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

FUND BALANCES

Councilmember Obermier moved and Councilmember Toms seconded that the Fund Balances and Budget Comparison reports be approved.

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

CLAIMS

Councilmember Redfern moved and Councilmember Leggett seconded that the claims for the period June 6, 2008 through June 19, 2008 be approved.

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

APPROVE ELECTED OFFICIALS' CLAIMS

Councilmember Redfern moved and Councilmember Obermier seconded that the claim of Cy

North for North Office Supply in the amount of 808.48 and York Printing Co. in the amount of \$1,482.53 be paid.

Roll Call Vote: Ayes: Redfern, Toms, Wolfe, Obermier, Mogul, Leggett and Brink. 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.

Approve Registered Warrants

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: \$983.70 for Karashaw Paving District No. 07-1; \$3,459.15 for Karashow Sanitary Sewer District 07-1; \$3,281.04 for Karashaw Water District 07-1; \$842.06 for Peters Sunrise Estates Paving District 07-2; \$4,147.08 for Peters Sunrise Estates Sanitary Sewer District 07-2; \$5,612.17 for Peters Sunrise Estates Water District 07-2; \$4,235.60 for 10th Street Paving District 08-1; \$3,750.85 for 10th Street Sanitary Sewer District 08-1 and \$475.60 for Nebraska Avenue Improvements; and Warrant in the amount of \$86,077.40 payable to Rutjens Construction Co. for Water Districts 07-1 and 07-2 and Sanitary Sewer Districts 07-1 and 07-2; and Warrant payable to A & R Construction Co. in the amount of \$36,630.24 for Paving Districts 07-1, 07-2 and 07-3.

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

APPROVE PLAT

At 7:00 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on a preliminary and final plat filed by Dennis G. & Jayne M. Nienhueser and Clark D. Epke, Trustee for Ralph G. Epke, deceased and the City Clerk read the required legal notice. Clark Epke and Ardis Epke were present stating that they wish to sell a warehouse building and approximately three acres to the Nienhueser's, whose farmground surrounds this area. The Director of Public Works advised that the plat meets the land subdivision regulations and that the Planning Commission had recommended approval.

Following discussion, Councilmember Mogul moved and Councilmember Brink seconded that the plat be approved..

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

PLACE FLUORIDE ISSUE ON GENERAL ELECTION BALLOT

Councilmember Brink moved and Councilmember Leggett seconded to adopt the following Resolution:

RESOLUTION NO. 08-10

WHEREAS, Nebraska LB 245 was recently passed by the Nebraska Legislature to amend Neb. Rev. Stat. Sec. 71-3305 (Supp. 2007) to require all cities in Nebraska having a population of one thousand or more inhabitants to add fluoride to the public water supply of the city no later than June 1, 2010 unless the voters of such city adopt an ordinance prior to such time to prohibit the addition of fluoride to such city's water supply; and

WHEREAS, LB 245 further provides that the ordinance may be placed on the ballot by a majority vote of the governing body of the city.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA, AS FOLLOWS:

1. That at the general election to be held on Tuesday, November 4, 2008 there shall be submitted to a vote of the qualified electors of the City of York, Nebraska for adoption or rejection the following proposition:

Shall the City of York, Nebraska, enact an ordinance to prohibit the
Addition of fluoride to the water supply of the City of York, Nebraska?

_____ FOR said ordinance

_____ AGAINST said ordinance

2. That the City Clerk shall cause notice of the submission of the above question, not more than thirty (30) days or less than ten (10) days prior to the election, by publication one time in the York News Times.
3. The City Clerk is directed to certify a copy of this Resolution prior to September 2, 2008 to the County Clerk/Election Commissioner of York County, Nebraska, who shall designate the polling places, appoint the election official(s) and otherwise conduct the election as provided by law. The City agrees to reimburse the County Clerk/Election Commissioner for the expenses of conducting the election, as required by law.

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

ADJOURNMENT

There being no further business to come before the Council, Leggett moved and Brink seconded to adjourn the meeting, the time being 7:11 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor