

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
JULY 16, 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: Leggett, Brink, Redfern, Toms, Obermier, Mogul and North. . Absent: Wolfe. 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 July 13, 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 Mogul moved and Councilmember Leggett seconded that the Minutes of the July 2, 2009 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES AND BUDGET COMPARISON**

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

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Obermier, Mogul and North. Nays: None. Absent & Not Voting: Wolfe. 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 \$565.93 and York Printing Co. in the amount of \$218.25 be approved and paid. .

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

**CLAIMS**

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period July 2, 2009 through July 16, 2009 be approved and paid.

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

#### REGISTERED WARRANTS

Councilmember Redfern moved and Councilmember Toms seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$51,014.01 payable to MSMSS Rogge Enterprises for Water System Improvements 2009-1.

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

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$16,196.08 payable to Kirkham, Michael for design phase of six new water wells.

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

#### CITY ADMINISTRATOR REPORT

The City Administrator reported: 1) that the County has ruled that the water wellfield property is tax exempt; and 2) that on August 6 the Council will be touring the wastewater treatment plant at 5:15 p.m. and the fire department at 6:00 p.m.

#### 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 NIL EST Subdivision comprising Irregular Tract No. 53 in the West Half of the Southwest Quarter (W/2 SW/4) of Section 7, Township 10 North, Range 2 West of the 6<sup>th</sup> P.M..filed by Dalane R. and Hannah L. Epp and the City Clerk read the required legal notice. Dalane Epp was present stating that he must connect to the city sanitary sewer and is subdividing his property in order to be assessed a connection fee for the frontage where his house is located. The Director of Public Works advised that the Planning Commission had recommended approval that the plat meets the land subdivision requirements

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

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

#### APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

Councilmember Redfern moved and Councilmember Brink seconded to recommend approval of a special designated permit application filed by the Fraternal Order of Eagles to sell alcoholic beverages at the Cornerstone Event Center on September 12, 2009 for a wedding reception.

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

#### APPROVE REQUEST

Chaplain Ted Pearson of the Columbus Rescue Mission made a presentation to the Council. He is asking that special use provisions in the C-2 code be amended to allow "temporary shelter/group home for the homeless and operated by non-profit, religious, educational or philanthropic institution" by special use permit." The building they are purchasing in the Reetz building on South Lincoln Avenue. He advised that Columbus Rescue Mission wishes to open a Gospel Rescue Mission under their legal status under the registered trade name of Living Water Rescue Mission of York, Nebraska. The Mission will shelter the homeless and hurting. They will start with sleeping quarters for single men and hope to enlarge to include single women and families – they hope to begin with space for 17 to 25 single men. Skip Plock advised that he has been ministering to prisons and addressed the need for such a facility. Ken Everingham and Dave Martell both spoke in support of the facility.

Following discussion, Councilmember Brink moved and Councilmember Redfern seconded to proceed with

the drafting of an ordinance to allow such use, to be presented to the Planning Commission for their recommendation and then to the Council for passage.

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

#### APPROVE SENDD HOUSING DUES

A Housing Dues Support Request and billing in the amount of \$2,424.00 was presented to the Council.

Following discussion, Councilmember Leggett moved and Councilmember Toms seconded that the dues be approved and paid.

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

#### APPOINTMENT OF LIMITED COMMUNITY REDEVELOPMENT AUTHORITY MEMBERS

The Mayor announced his appointment of Sally Ruben, Matt Leif, Darroll Loschen, Patty Vincent and Bob Hose as the Limited Community Redevelopment Authority to act on a request of Councilmember Cy North for TIF funds.

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

#### APPROVE AGREEMENTS

Councilmember Mogul moved and Councilmember Leggett seconded that Amendment No. 1 – Agreement for Professional Construction Engineering Services for Wastewater Treatment Plant Improvements be approved.

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

Councilmember Leggett moved and Councilmember Brink seconded that Amendment No. 4 – Agreement for Professional Engineering Services – Municipal Water Wellfield Exploration and Investigation.

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

#### ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:38 o'clock pm.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor