

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
JULY 17, 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: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. 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 July 14, 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 Mogul moved and Councilmember Obermier seconded that the Minutes of the July 3, 2008 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES**

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

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

**CLAIMS**

Councilmember Redfern moved and Councilmember Leggett seconded that the claims for the period July 4, 200 through July 17, 2008 be approved.

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

**APPROVE ELECTED OFFICIALS' CLAIMS**

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North

for North Office Supply in the amount of \$797.21 and York Printing Co. in the amount of \$1,147.16 be paid.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, Leggett, Brink, Redfern and Toms. Nays: None. 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: \$7,509.87 for Karashaw Paving District No. 07-1; \$913.59 for Karashaw Sanitary Sewer District No. 07-1; \$83.42 for Karashaw Water District 07-1; \$2,713.33 for Peters Sunrise Rise Estates Paving District 07-2 and 07-3; \$201.65 for Peters Sunrise Estates Sanitary Sewer District 07-2; and \$1,2224.82 for 10<sup>th</sup> Street Sanitary Sewer District 08-1.

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

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register a warrant payable to Van Kirk Bros. Contracting for Nobes Road and 10<sup>th</sup> Street Water Mains in the amount of \$60,098.07.

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

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register a warrant payable to A & R Construction Co. for Paving District 08-1 in the amount of \$106,937.61.

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

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register a warrant payable to General Excavating n the amount of \$28,605.60 for 10<sup>th</sup> Street Sanitary Sewer District 08-1.

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

#### CITY ADMINISTRATOR REPORT

The City Administrator reported that the Council needs to let him know available dates for budget work sessions.

#### 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 Brian E. & Tammi S Gerken and the City Clerk read the required legal notice. Josh Seaberg of Stromsburg was present advising that he wishes to purchase the house and four acres. . The Director of Public Works advised that the plat meets the land subdivision regulations for the A-L zone and that the Planning Commission had recommended approval.

Following discussion, Councilmember Redfern moved and Councilmember Toms seconded that the plat be approved.

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

#### APPROVE MOVE OF SHED

At 7:00 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on an application filed by Merle Cradick to move an 8 x 12 shed onto the property at 418 York Avenue and the City Clerk read the legal notice regarding said matter. Mr. Cradick advises that the shed will be used for storage. The Director of Public Works advised that the building is structurally sound and will meet at set-back requirements.

Following discussion, Councilmember Brink moved and Councilmember Obermier seconded that the request be approved.

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

#### APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

Mark Jensen was present at the Council meeting regarding an application for a Special Designated Permit of the York Sport Authority, Inc. for a steak dinner/fund raiser for the sports authority and band boosters at the Ag Event Center on August 15, 2008. Councilmembers Brink and Toms expressed concern with the serving/sale of alcoholic beverages at a fund raiser for minors/students. Mr. Jensen advised that they will card anyone who appears under age – that this is an “adults only” event and this is the 13<sup>th</sup> year of this fundraiser.

Following discussion, Councilmember Leggett moved and Councilmember North seconded that the Council recommend approval of said application.

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

#### PRESENTATION REGARDING RAILROAD QUIET ZONE

Randy Eldorado, and Murphy Koti were present at the meeting, and gave a detailed report of their quiet zone study with rules and estimated cost. They stayed after the meeting to discuss the matter with citizens who were present at the meeting.

#### PROVIDE FINANCIAL ASSURANCE FOR CLOSURE AND POST/CLOSURE CARE OF THE YORK AREA SOLID WASTE AGENCY CONSTRUCTION AND DEMOLITION WASTE DISPOSAL AREA

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

#### RESOLUTION NO. 2008-11

#### FINANCIAL ASSURANCE FOR CLOSURE AND POST/CLOSURE CARE OF THE YORK AREA SOLID WASTE AGENCY CONSTRUCTION AND DEMOLITION WASTE DISPOSAL AREA, PERMIT NO. NE0204455, YORK COUNTY, NEBRASKA

A Resolution of the City of York to provide financial assurance to the State of Nebraska for the closure/post-closure care of the York Area Solid Waste Agency Construction and Demolition Waste Disposal Area authorizes a special fund for paying closure/post-closure care costs; provides for reporting requirements to the State of Nebraska.

WHEREAS, the Nebraska Environmental Protection Act (Reissue Revised Statutes on Nebraska, 1943 Sec. 81-1501 et seq), the Integrated Solid Waste Management Act (Reissue Revised Statute of Nebraska, 1943, Sec. 13-2001 et seq.), as amended, and Nebraska Administrative Code Title 132 – Integrated Solid Waste Management Regulations require owners and operators of municipal solid waste disposal areas to demonstrate financial responsibility for closure and post-closure care activities; and

WHEREAS, THE City and County of York County, Nebraska of York, Nebraska, are the owners and the City of York, Nebraska is the operator of the York Area Solid Waste Agency Landfill, Permit No.:

NE0204455; and

WHEREAS, the demonstration of financial responsibility for closure and post-closure care can be made by using an Enterprise fund mechanism approved by the Nebraska Department of Environmental Quality;

NOW, THEREFORE, BE IT RESOLVED by the City of York, Nebraska, that:

1. The Director of Public Works and the Finance Director are authorized and directed to continue to maintain an Enterprise Fund for the York Area Solid Waste Agency Construction and Demolition Waste Disposal Area, and to deposit in the Enterprise Fund all revenue derived from the operations of the York Area Solid Waste Agency Construction and Demolition Waste Disposal Area.
2. The Director of Public Works and the City Treasurer are further directed to withdraw funds from the Enterprise Fund for deposit into the financial assurance mechanism hereafter provided, sufficient to meet the requirements of Chapter 8 of Title 132 on a timely basis.
3. The funds referred to in Section 2 above shall be deposited and retained by the City Treasurer of City of York in a separate account of the fund to be known as York Area Solid Waste Agency Construction and Demolition Waste Disposal Area Closure/Post-Closure Care Fund. The Closure-Post-Closure Care Fund shall be maintained by the Treasurer and shall be used to pay only for Closure and post-closure care of the York Area Solid Waste Agency Construction and Demolition Waste Disposal Area.
4. The Closure/Post-Closure Care Fund shall be and remain inviolate against all other claims, including claims of the City of York or its governing body or creditors thereof, it being the intent of this Resolution that the mechanism established will provide equivalent protection to a trust fund by ensuring:
  - a. the assured amount of funds will be available in a timely manner for closure and/or post-closure care of the York Area Solid Waste Agency Construction and Demolition Waste Disposal Area; and
  - b. That payments from the fund shall be made by the Treasurer, as required by the Director of Public Works, for the payment of the costs of closure and/or post-closure care of the construction and demolition waste disposal area covered by this Resolution in accordance with the approved closure and/or post-closure plans.
5. Disbursement of funds for closure activities shall be in accordance with Title 132, Chapter 8 and as prescribed in Section 4 (b) above.
6. Disbursement of funds for post-closure care shall be in accordance with Title 132, Chapter 8 and as prescribed in Section 4(b) above.
7. The Closure/Post-Closure Care Fund shall be invested by the Treasurer in the manner provided by law.
8. In the event the Director of the Nebraska Department of Environmental Quality (NDEQ) determines that the City of York has failed, or is failing to perform the closure and/or post-closure care activities in accordance with the approved closure and post-closure plans or as required by law, the NDEQ Director may direct the City Treasurer to pay to the Director of Public Works from the Closure/Post-Closure Care fund sufficient funds to pay the costs of closure and/or post-closure care, who then shall be obligated to use such funds for closure or post-closure in accordance with the directives of the NDEQ Director.
9. The City Treasurer and Director of Public Works are directed to provide an annual report to the Nebraska Department of Environmental Quality containing the following information regarding the financial responsibility of the York Area Solid Waste Construction and Demolition Waste Disposal Area:
  - a. The most recent comprehensive annual financial report that includes the Enterprise Fund and the Governmental Accounting Standards Board (GASB) Statement # 18 disclosures;

- b. As appropriate, revised closure and post/closure care cost estimates; and
- c. A report of the status, including the current balance of the Closure/Post-Closure Care Fund and where the funds are held; and
- d. The most recent “pay-in” amount equivalent to the “pay-in” amount for trust funds to cover the liabilities as determined by the updated closure and post closure car cost estimates.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. 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 8:17 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor