

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
AUGUST 20, 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: Toms, Wolfe, Obermier, Mogul, North, Leggett, Brink and Redfern. Absent: None. Also present were the City Clerk, City Administrator, and City Attorney.

Notice of this meeting was given in advance thereof by publication in the York News Times on August 17, 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 Leggett moved and Councilmember Toms seconded that the Minutes of the August 6, 2009 meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

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

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

CLAIM OF ELECTED OFFICIALS

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office Supply in the amount of \$675.62 and York Printing Co. in the amount of \$2,423.93 be approved and paid. .

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

CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period August 7, 2009 through August 20, 2009 be approved and paid.

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

Motion Carried.

REGISTERED WARRANTS

Councilmember Redfern moved and Councilmember Toms seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael, 1) in the amount of \$21,088.39 for sign of 6 wells and transmission main; \$2,465.40 for construction of water distribution mains and \$16,792.54 for Nebraska Avenue storm sewer.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported: 1) on the sales tax receipts on a annual basis; and 2) that 19th Street and the railroad quiet zone have been placed in the proposed 2009-10 budget.

APPROVE SPECIAL USE PERMIT PROVISION

ORDINANCE NO. 2024

AN ORDINANCE TO AMEND A PORTION OF APPENDIX A – ZONING ORDINANCE, REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE

Councilmember Mogul moved and Councilmember Brink seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2024 be suspended.

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, North, Leggett, Brink and Redfern. Nays: None. 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 Brink seconded that Ordinance No. 2024 be passed and adopted.

Roll Call Vote: ayes: Toms, Wolfe, Obermier, Mogul, North, Leggett, Brink and Redfern. Nays: None. Motion Carried. Ordinance No. 2024 was declared adopted.

APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

Daryl Reynoldson, representing the Elks BPO York Lodge, was present in support of an application to sell alcoholic beverages in the City Auditorium on September 19, 2009 for a dance in connection with Yorkfest. He advised that the York Chamber of Commerce will be checking Ids and issuing arm bands.

Councilmember Leggett moved and Councilmember Obermier seconded to recommend approval of a special designated permit application filed by said Elks Club to sell alcoholic beverages in the City Auditorium on September 29, 2009.

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

APPROVE AGREEMENT

Councilmember Redfern moved and Councilmember Toms seconded that the Renewal Agreement for Maintenance Agreement No. 25 with the State of Nebraska Department of Roads be approved.

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

APPOINTMENT OF HEARING OFFICER

The City Attorney advised that it is required that a Hearing Officer be appointed for the Personnel Board hearing and recommended the appointment of Joe McCluskey.

Councilmember Redfern moved and Councilmember Leggett seconded that Joe McCluskey be appointed as Hearing Officer for the Personnel Board hearing. .

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:15 o'clock pm.

C. Jean Thiele, City Clerk

Charles Harris, Mayor