

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
AUGUST 21, 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: Mogul, North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. 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 August 18, 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 Obermier seconded that the Minutes of the August 7, 2008 meeting be approved.

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

**REPORTS**

Councilmember Mogul 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: Mogul, North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Nays: None. Motion Carried.

**FUND BALANCES**

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

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

**CLAIMS**

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period August 8, 2008 through August 21, 2008 be approved.

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

**APPROVE ELECTED OFFICIALS' CLAIMS**

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

for North Office Supply in the amount of \$652.63 and York Printing Co. in the amount of \$348.66 be paid.

Roll Call Vote: Ayes: Mogul, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. 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: \$1,225.94 for Karashow Paving District No. 07-1; \$350.71 for Karashow Sanitary Sewer District No. 07-1; \$10,272.64 for Peters Sunrise Estates Paving Districts 07-2 and 07-3; \$3,894.63 for 10<sup>th</sup> Street Sanitary Sewer District 08-1 and \$1,97.54 for Nebraska Avenue Improvements.

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

#### PUBLIC HEARINGS

1) 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 Triple E & L, Inc., Lyle Epke for Irregular Tract 5, in the Southwest Quarter of the Southeast Quarter of Section 18, Township 11 North, Range 2 West of the 6<sup>th</sup> P.M. and the City Clerk read the required legal notice. Shannon Hess was present advising that he wishes to purchase a 4.29 acre tract to build a house. 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 Obermier moved and Councilmember Toms seconded that the plat be approved.

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

2) At 7:00 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on a final plat filed by Charles M. and Judy C. Miller of Deerhaven Estates, located in the South Half of the Southeast Quarter of Section 2 and the North Half of the Northeast Quarter of Section 11, Township 10 North, Range 3 west of the 6<sup>th</sup> P.M., and the City Clerk read the required legal notice. Judy Miller was present in support of the plat stating that they wish to sell a lot to their daughter and son-in-law to build a house. The Director of Pubic 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 Leggett moved and Councilmember Redfern seconded that the plat be approved.

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

3) At 7:090 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on a request filed by Jan Nelson to move a house from 2503 N Lincoln to Lot 6, Block 6, Mansfield Subdivision (800 Block of West 10<sup>th</sup> Street) and the City Clerk read the required legal notice. Jan Nelson appeared in support of the application. The Director of Public Works advised that this is an R Residential zone and the house will be placed on said lot to meet all set back requirements.

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

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

4) At 7:00 o'clock p.m. the Mayor announced that this was the time and place set for a public

hearing on a request filed by Jay Nelson to move a garage to North 50' of Lots 1, 2 and 3, Block 6, Mansfield Addition (1005 Poplar) and the City Clerk read the required legal notice. Joyce Sampson was present in support of the application. The Director of Public Works advised that this is an R Residential zone and the garage will be placed on said lot to meet all set back requirements.

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

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

### CREATE LIMITED COMMUNITY REDEVELOPMENT AUTHORITY

The City Attorney advised that Councilmember Obermier has applied for TIF funds and due to the fact that the City Council is the Community Redevelopment Authority, and Councilmember Obermier is a member thereof, the Authority cannot approve a member's request for said funds. He advised that a Limited Community Redevelopment Authority must be created for this project only and the Mayor will appoint a five person authority.

### ORDINANCE NO. 2008

AN ORDINANCE TO ENACT SECTION 27-65 TO CREATE A LIMITED COMMUNITY REDEVELOPMENT AUTHORITY; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

Councilmember Leggett moved and Councilmember Brink seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2008 be suspended.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Wolfe. Nays: None. Abstain: Councilmember Obermier declared a conflict of interest and refrained from voting. 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 Mogul moved and Councilmember Brink seconded that Ordinance No. 2008 be passed and adopted.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Wolfe. Nays: None. Abstain: Councilmember Obermier declared a conflict of interest and refrained from voting. Ordinance No. 2008 was declared adopted.

The Mayor presented his appointments to the Limited Redevelopment Authority as: Matt Leif, Sally Ruben, Patty Vincent, Bob Hose and Mike Renken.

### AUTHORITY EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF PROPERTIES LOCATED IN THE WELL FIELD

The City Attorney advised that the Council has designated properties to be included in the water wellfield area – that an appraiser has been hired to appraise the property and he has given a written report. He further advised that he and the City Administrator had been with all property owners in March and gave the report to all property owners and offered to purchase the property. He advised that he has received counter offers from the property owners but no appraisals came from any of the property owners except the Kranz. He advised that an agreement has been reached with the Kranz/Franzen's for the purchase of their property. He further explained the eminent domain proceedings

Following discussion, Councilmember Leggett moved and Councilmember Redfern seconded that the City Attorney be directed to commence eminent domain proceedings on the following property owners: Dale & Janet Olson; Jack Steven & Alyce Cronin; Ardean & Bette Peters and Brad & Mary Gloystein.

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

#### APPROVE MUTUAL AID AGREEMENT

The City Administrator reported on a Mutual Aid Agreement between the City of York and the Nebraska Correctional Center for Women for emergency aid in the use of the City Auditorium for Nebraska Center for Women staff and guards for emergency situations at the Nebraska Center for Women.

Councilmember Redfern moved and Councilmember Brink seconded that the agreement be approved.

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

#### APPROVE MAYOR'S APPOINTMENTS

1) The Mayor announced his re-appointments of Jane Brogan and Craig Vincent to the Board of Adjustment for a three year term terminating September 1, 2011.

Councilmember Brink moved and Councilmember Obermier seconded that the re-appointments be approved.

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

2) The Mayor announced his appointment of Angie Rystrom to the Planning Commission for the unexpired term of Erin Bristol which terminates on January 1, 2011.

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

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. 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 7:20 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor