

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
AUGUST 6, 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.

Present were: Councilmembers: Redfern, Toms, Wolfe, Obermier, Mogul, North, Leggett and Brink. Also present were the City Clerk, 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 3, 2009. 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 Wolfe seconded that the Minutes of the July 27, 2009 meeting 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 Toms seconded that the claims for the period of July 16, 2009 through August 6, 2009 be approved and paid.

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

**APPROVE ELECTED OFFICIALS CLAIMS**

1) Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$0.99 and York Printing Co. in the amount of \$694.29 be approved and 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. Nays: None Motion Carried.

2) Councilmember Redfern moved and Councilmember Obermier seconded that the claim of Ron Mogul, Jr. for Mogul's Transmissions, Inc., in the amount of \$136.74 be approved and paid.

Roll Call Vote: Ayes: Redfern, Toms, Wolfe, Obermier, North, Leggett and Brink. Councilmember Mogul declared a conflict of interest inasmuch as he is an owner of Mogul's Transmission, Inc. . and abstained from voting. Nays: None Motion Carried.

**APPROVE REGISTERED WARRANTS**

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk-Treasurer be authorized to issue warrants to Kirkham, Michael in the amount of \$10,618.11 for Water Distribution Mains and in the amount of \$16,140.00 for Water Wellfield Exploration and Investigation.

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

Motion Carried.

### CITY ADMINISTRATOR'S REPORT

The City Administrator discussed budget work sessions and Wednesday, August 19 at 5:00 o'clock p.m. was agreed upon, with a follow up session, if necessary, on Thursday, August 20<sup>th</sup> at 5:00 o'clock p.m. prior to the Council meeting.

### APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

Frank Green of KAWL Radio was present regarding an application filed by the York Sports Authority, Inc. to sell alcoholic beverages at 2400 N Nebraska Avenue on August 21, 2009 for a fund raiser. Councilmember Toms reported that the York Public Schools has passed a resolution advising that alcoholic beverages not be served a school function, which he believes this to be inasmuch as part of the funds are allocated to the band boosters. . Mr. Green advised that this is an adults only steak fry.

Councilmember Leggett moved and Councilmember Obermier seconded that the Council recommend approval to the Liquor Control Commission.

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

### APPROVE RESOLUTION

The Director of Public Works advised that a resolution is necessary to name a "responsible person" in charge of Federal funds from the Federal Highway Administration and the following Resolution was introduced:

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

### RESOLUTION NO. 2009-13

WHEREAS, Certain Transportation facilities (roads, streets, trails and others) in the City of York have been designated as being eligible for Federal funds by the Federal Highway Administration in compliance with Federal laws pertaining thereto; and

WHEREAS, The City of York desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, The Nebraska Department of Road as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

WHEREAS, The City of York as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the Nebraska Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform act).

WHEREAS, The City of York understands that the failure to meet all requirements for Federal funding could lead to a project(s) being declared ineligible for Federal funds, which could result in the City of York being required to repay some or all of the Federal funds expended for a project(s); NOW, THEREFORE,

BE IT RESOLVED, That the York City Council does hereby adopt and bind itself to comply with all applicable Federal laws, including the rules and regulations of the Federal Highway Administration, all state laws and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies (Uniform Act).

BE IT FURTHER RESOLVED, That the York City Council does hereby designate the following as responsible for the management of the following process:

Consultant Selection Process:

Mark Christiansen Director of Public Works

The National Environmental Policy Act (NEPA);

Mark Christiansen Director of Public Works

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act):

Mark Christiansen Director of Public Works

The Responsible Charge (RC) is hereby authorized to execute the Financial Management Systems Certification attached to this Resolution:

Mark Christiansen Director of Public Works

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

APPROVE AGREEMENT

Councilmember Leggett moved and Councilmember Redfern seconded that the Council approve Amendment No. 2 with Kirkham, Michael for Professional Right of Way Services for Nebraska Avenue from 14<sup>th</sup> Street to Beaver Creek.

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

APPROVE YORK FIRE DEPARTMENT/VOLUNTEER FIRE DEPARTMENT ROSTER

Councilmember Redfern moved and Councilmember Toms seconded that the roster of the Fire Department and Volunteer Fire Department be approved.

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, the Mayor adjourned the meeting, the time being 7:20 o'clock p.m.

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor

