REGULAR MEETING
CITY COUNCIL – YORK, NEBRAKSA
August 1, 2024
5:30 PM

A meeting of the Mayor and City Council of the City of York, Nebraska, was convened in open and public session at 5:30 o'clock p.m. in the Council Chambers.

The President announced that the Open Meetings Act was posted on the East Wall of the Council Chambers.

Mayor: Barry Redfern: Absent. Councilmembers: Tony North: Present, Jennifer Sheppard: Present, Stephen Postier: Present, Jerry Wilkinson: Present, Matt Wagner: Present, Jeff Pieper: Present, Scott Van Esch: Present, Vicki Northrop: Present. The following City Officials were present: City Administrator Dr. Sue Crawford, City Attorney Charley Campbell, Public Works Director James Paul, Fire Chief Tony Bestwick and City Clerk Amanda Ring.

Notice of this meeting was given in advance thereof by publication in the York News Times on July 25, 2024, 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 advance notice to the Mayor and City Council for this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Minutes

Motion to approve the minutes of the July 18, 2024 meeting. Ayes with a motion by Jerry Wilkinson and a second by Jennifer Sheppard. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

Claims of Elected Officials

Motion to approve the claim for Tony North of North Printing and Office Supply in the amount of $2,537.10. Ayes with a motion by Jerry Wilkinson and a second by Matt Wagner. Tony North: Abstain (With Conflict), Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

Motion to approve the claim for Stephen Postier of the York County Development Corporation in the amount of $8,599.09. Ayes with a motion by Jerry Wilkinson and a second by Matt Wagner. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Abstain (With Conflict), Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

Claims

Motion to approve the claims for July 19, 2024 through August 1, 2024. Ayes with a motion by Jerry Wilkinson and a second by Matt Wagner. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

City Administrator Report

Dr. Crawford shared that the City has received many questions and she wanted to give an update on the process for responses to questions and comments for Project Access York. The open comment period ended June 12th. Questions and comments submitted through that period are a lot of what the Council is hearing currently at Council meetings. All verbatim comments were compiled and then read through to look for common themes. Some comments were pulled out concerning specific recommendations and sent to the engineers for their recommendations. Engineers drafted initial comments back to input submitted, and the City drafted responses to each individual comment. Those responses have been sent back to the engineers for approval and rewriting. The City, NDOT, and federal highway administration are working together to create an FAQ sheet for the commonly asked questions. Once the FAQ sheet is approved, it will be posted on the website and a copy will also be sent out with each response letter for comments submitted. Council member Northrop raised questions concerning the character count on the City of York's online form and possible missing pieces of comments submitted. Dr. Crawford stated she had emailed those who turned in comments but appeared to be cut short by the limiting characters and encouraged them to submit the full comment. The request of the City was to have comments distributed as they were submitted, and stated there may have been a copy-paste error. Council member Northrop also requested that it be placed on the record that the original documents received by the

council members, which contained the Open Comment Period Comments, did not contain the names and addresses of the person(s) who submitted the comments, so they were unable to respond to constituents directly.

Resolution 2024-13 – Surplus Property

RESOLUTION 2024-13

A RESOLUTION DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING DISPOSITION OF SURPLUS PROPERTY

WHEREAS, there are certain items of City property and equipment surplus to City needs; NOW, THEREFORE,

THE CITY COUNCILOF THE CITY OF YORK, NEBRASKA, hereby resolves as follows:

SECTION 1: The items of City property and equipment listed in Exhibit A, attached hereto, are declared surplus property, and the City staff at the direction of the Mayor, is authorized to sell such property at a price that is in the best interest of the City.

SECTION 2: The City staff is hereby authorized to dispose of said surplus property through one of the following methods:

a) By transfer to a governmental agency.
b) In trade as credit toward the purchase of a like article.
c) By sale through competitive sealed bid, public or private sale, consignment or internet auction.

For any surplus property that is not sold, the City may sell the surplus property for salvage or dispose of the surplus property that cannot be sold.

EXHIBIT A

UNIT #	YEAR	DESCRIPTION	DEPARTMENT	VALUATION	SERIAL #
		115,000 bricks from road construction	Street		
		434 old street signs	Street		
654	1997	GMC Yukon	Fire	$2,000	1GKEK13R7VJ724807
	2010	Auditorium Gym Floor Cover	Park	$1,000	

Motion to approve Resolution 2024-13, to declare certain city property surplus and authorize the disposition of surplus property. Ayes with a motion by Jeff Pieper and a second by Scott Van Esch. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

SDL – Sunset Bowl for Yorkfest

Motion to approve the special designated license for Sunset Bowl, 1923 N. Lincoln Ave, York, NE 68467, for Yorkfest on September 7, 2024. Ayes with a motion by Stephen Postier and a second by Jerry Wilkinson. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

SDL – United Way for Peterson's Petals

Motion to approve the special designated license for United Way for Peterson's Petal, 617 N. Lincoln Ave. on September 26, 2024 for the Sip and Stroll 2024 event. Ayes with a motion by Scott Van Esch and a second by Tony North. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea, Matt Wagner: Yea, Jeff Pieper: Yea, Scott Van Esch: Yea, Vicki Northrop: Yea.

Fire Station Build with Sheele-Kayton Construction LLC

Tony Bestwick told Council there were nine bids that were received for this project. One was eliminated initially, and the rest were reviewed with the committee and engineer. A reference check was conducted on the three lowest bidders. Sheele-Kayton Construction LLC from Lincoln, Nebraska had a wonderful reference check and the Fire Chief said he would recommend them for approval to build the new fire station. There was discussion had regarding change order amounts and the alternate for onsite insurance while the fire station is being built. It was stated that any change orders will go to Council for approval.

Motion to approve the bid for the Fire Station build with Scheele-Kayton Construction, LLC in the amount of $7,861,680.00; alternate No. 2 in the amount of $27,680.00 Ayes with a motion by Matt Wagner and a second by Jerry Wilkinson. Tony North: Yea, Jennifer Sheppard: Yea, Stephen Postier: Yea, Jerry Wilkinson: Yea,

Matt Wagner: Yea, Jeff Pieper: Abstain (With Conflict), Scott Van Esch: Yea, Vicki Northrop: Yea.

Roger Wolfe Jr. to address the Council regarding Project Access York

Roger Wolfe Jr., 1229 N. Delaware Ave, started with asking the City Attorney questions. The attorney advised Mr. Wolfe that he couldn't respond to advice given to the City. Roger asked Charley if he was aware of the chain of command for contacting him. Charley stated there was a policy decision that was made, prior to anything going on now, regarding what types of communication Council members should have with the attorney. Roger then passed around copies of Nebraska State Statute 16-117. This statute refers to annexation of property for first-class cities. He also passed out copies of Nebraska State Statute 16-674 which discusses acquisition of plants or facilities; condemnation; procedure. He discussed the placement of part of the south portion of the trail, questioning if it needs to be annexed. He questioned about eminent domain and if it could be used to take property for other uses besides utilities.

Clarification was received after the Council meeting adjourned that state law, Nebraska State Statutes 16-695 and 19-709, provides power for cities of the first class to obtain land for parkways/streets/sidewalks, which includes trails, within the city's extraterritorial jurisdiction (ETJ), which extends two miles from city limits. If some part of the trail extends slightly beyond the city limits, it will be in the ETJ and can be obtained using existing state law authority without annexation.

Hannah Epp to address the Council regarding Project Access York

Hannah Epp, 1615 S. Lincoln Ave, wanted to address the public input opportunity that was given for this project. She stated that her personal comment was submitted directly to Dr. Crawford, and after Council members received the comments from the public input period, Hannah asked a Council member to confirm that her comment was there. She stated that her comment was entirely omitted from all comments compiled. There was a problem with the online submission process and the character count. Some people didn't get the opportunity to resubmit their complete comment because the email response that Dr. Crawford sent back to them, went to a junk email folder and went unnoticed. She asked the Council to look at the integrity of the submission process and ask to receive all the comments in their original form. She brought a paper copy of her comment she submitted to give to any Council members who wanted it.

Adjournment

There being no further business to come before the Council, the President adjourned the meeting, the time being 6:06 o'clock p.m.

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Amanda Ring, City Clerk Jeff Pieper, President