

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
OCTOBER 6, 2011**

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 President of the Council announced that the Open Meetings Act is posted on the East wall of the Council Chambers.

Present were: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Absent: Wolfe. 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 October 1, 2011, 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 Brink seconded that the Minutes of the September 15, 2011 meeting be approved.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

APPROVE ELECTED OFFICIAL CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claim for Councilmember North for North Office Supply in the amount of \$212.56 and York Printing Co. in the amount of \$2,722.93 be approved and paid.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Councilmember North declared a Conflict of Interest inasmuch as he is an owner of North Office Supply and York Printing Co. abstained from voting. Motion Carried

APPROVE CLAIMS

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period September 16, 2011 through October 6, 2011 be approved and paid.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

APROVE REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to issue a registered warrant in the amount of \$130,975.76 to the State of Nebraska Department of Roads for the Nebraska Avenue Project.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

REPORT ON NEBRASKA AVENUE

AND STINKY WATER

The Director of Public Works reported that the City has been receiving calls regarding stinky water and advised that most of the complaints are coming from property owners who are using plastic tubing and once that is replaced, the problem resolves itself. He also reported on the progress of Nebraska Avenue stating that the box culvert will be done next week through 11th Street and paving should be done from 7th to 9th Street – that we are 194 days into a 255 day contract.

INTRODUCTION

Cassie Seagren, Executive Director of YCDC, introduced Doug Bice of Abengoa who in turn introduced Ken Lierman, manager of the local Abengoa facility. Mr. Bice advised that they are looking at sites to locate a plant for second generation manufacture of ethanol from wood, stalks, etc. He advised that they are looking at a location near their existing plant as well as other sites around the country.

LIQUOR LICENSE MANAGER APPLICATION

An application was presented to the Council filed by Pizza Hut to name Robin Hinton as Manager of said license. Mrs. Hinton was present at the meeting to answer any questions.

Councilmember Leggett moved and Councilmember Redfern seconded that the Council recommend approval of Robin Hinton as Manager of the Pizza Hut liquor license.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

An application filed by Grand Central Foods to hold wine tasting events on licensed premises on November 4, November 18, December 2 and December 16, was presented to the Council. Warren Thomas was present at the meeting stating that their prior events were a success.

Councilmember Brink moved and Councilmember Toms seconded that the Council recommend approval of the application.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

APPROVE TIF APPLICATION

An application filed by Schweser’s for TIF funds in the amount of \$500.00 was presented to the Council. Kathy Ortmeier, Manager, was present at the meeting and stated that the funds would be used for painting of the front and rear signs on the building at 619 Lincoln Avenue. Councilmember Leggett reported that the TIF Advisory Board had met and recommended approval of the application.

Following discussion, Councilmember Obermier moved and Councilmember Leggett seconded that the following resolution be adopted:

BEFORE THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA

RESOLUTION NO. 2011-19

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK, NEBRASKA, as follows:

The York, Nebraska City Council, acting as the Community Development Agency, has approved a redevelopment plan, pursuant to the Nebraska Community Development Law, Section 18-2103 and Section 18-2111 reissue of 1991 items (1) through (6) and Section 18-2113 for sign improvements at 619 Lincoln Avenue filed by Schweser’s in the amount of \$500.00 in TIF funds and the eventual consideration of

entering into an agreement with the subject property owner for tax increment financing for said improvements contingent on the following conditions:

- a. Delivery of the following to the York City Administration for their review.
 - 1. Development proforma including the sources and uses of funds proposed for the subject property; and
 - 2. Income and expense proforma for the time period proposed for all funding sources.
- b. Proof of securement of all other financial sources proposed for the development of the subject project including, but not limited to:
 - 1. Letter of credit for both construction and permanent financing.
 - 2. Legal proof of securement of any and all, both public and private funding sources identified in item "a".

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

APPROVE AGREEMENTS

1) Councilmember Obermier moved and Councilmember Brink seconded that the following Resolution be adopted:

RESOLUTION NO. 2011-17

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of York, Nebraska:

WHEREAS, the City of York is developing a transportation project for which it intends to obtain Federal funds: and

WHEREAS, the City of York as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and Local laws, rules, regulations, policies and guideline applicable to the funding of the Federal-Aid Project; and

WHEREAS, the City of York and Kirkham, Michael & Associates, Inc. wish to enter into an Engineering Services Agreement to provide preliminary engineering services for the Federal-Aid project.

BE IT RESOLVED by the City Council of the City of York, that:

Mayor Charles Harris is hereby authorized to sign the attached Engineering Services Agreement between the City of York and Kirkham, Michael & Associates, Inc.

NDOR Project Number: URB-6303(4)

NDOR Control Number: 42697

NDOR Project Description: Project includes reconstruction of North Division Avenue from Marquis to US 34.

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

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

RESOLUTION NO: 2011-18

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of York, Nebraska:

WHEREAS, the City of York is developing a transportation project for which it intends to obtain Federal funds: and

WHEREAS, the City of York as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and Local laws, rules, regulations, policies and guideline applicable to the funding of the Federal-Aid Project; and

WHEREAS, the City of York and Alfred Benesch & Company. wish to enter into an Engineering Services Agreement to provide construction engineering services for the Federal-Aid project.

BE IT RESOLVED by the City Council of the City of York, that:

Mayor Charles Harris is hereby authorized to sign the attached Engineering Services Agreement between the City of York and Alfred Benesch & Company.

NDOR Project Number: STPAA-6305(1)

NDOR Control Number: 41015

NDOR Project Description: Reconstruction of Nebraska Avenue from Elm to 14th Street

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink, Redfern, Toms and Obermier. Nays: None. Absent & Not Voting: Wolfe. Motion Carried.

ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 7:27 o'clock p.m.

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor