

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
MAY 19, 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 Mayor announced that the Open Meetings Act is posted on the east wall of the Council Chambers.

ROLL CALL

Present were: Mayor Harris; Councilmembers: Obermier, Mogul, North, Leggett, Brink, Redfern and Wolfe. Absent: Toms 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 May 16, 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 May 5, 2011, meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

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

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

CLAIMS OF ELECTED OFFICIALS

Councilmember Redfern moved and Councilmember Leggett seconded that the claim of Ron Mogul, Jr. for Mogul's Transmission, Inc. in the amount of \$1,342.07 be approved and paid.

Roll Call Vote: Ayes: Obermier, North, Leggett, Brink, Redfern and Wolfe. Nays: None. Absent & Not Voting: Toms. Councilmember Mogul declared a conflict of interest inasmuch as he is an owner of Mogul's Transmission, Inc. and abstained from voting. Motion Carried.

Councilmember Redfern moved and Councilmember Wolfe seconded that the claim of Cy North for North Office in the amount of \$65.24 and York Printing Co. in the amount of \$574.05 be approved and paid.

Roll Call Vote: Ayes: Obermier, Mogul, Leggett, Brink, Redfern and Wolfe. Nays: None. Absent & Not Voting: Toms. Motion Carried Councilmember North declared a Conflict of Interest inasmuch as he is owner of

North Office Supply and York Printing Co. and abstained from voting. Motion Carried.

CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period May 6, 2011 through May 19, 2011 be approved and paid.

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

CITY ADMINISTRATOR REPORT

The City Administrator advised that: 1) materials will be laid down around the construction site on Nebraska Avenue and East 6th Street for graduation ceremonies on Sunday; 2) a grant for back-up generator for the wells has been received - \$28,923 federal funds and \$9,641 City funds; and 3) there was a ribbon cutting at the Express Truck Center today – Express Truck Center has completed the sewer – the city had them install an 8” main rather than a service line and the City will pay for the extra cost – the city will be billing them for a water connection fee.

RECOMMEND APPROVAL OF LIQUOR LICENSE MANAGER

An application filed by Camelot Entertainment Corporation d/b/a The Lounge located at 4817 S Lincoln to hire Margaret Spence as manager was presented to the Council. Ms. Spence was present to answer any questions.

Councilmember Brink moved and Councilmember Redfern seconded to recommend approval to the Liquor Control Commission.

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

APPROVE TIF APPLICATION

Councilmember Leggett moved and Councilmember Obermier seconded to adjourn as a City Council and reconvene as a Community Redevelopment Authority.

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

Tim Arndt was present and advised the Council that he is purchasing McCormick’s Inc. and purchasing the building located at 302 Grant Avenue. He is seeking TIF funds in the amount of \$39,348.00 for site development, building improvements and moving expenses. The City Administrator 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. 2011-08

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 site development, building improvements and moving expense at 302 Grant, filed by Tim Arndt, d/b/a McCormick’s Heating and Air Conditioning, in the amount of \$39,348.00 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: Obermier Mogul, North, Leggett, Brink, Redfern and Wolfe. Nays: None. Absent & Not Voting: Toms. Motion Carried.

Councilmember Brink moved and Councilmember Leggett moved that the Council adjourn as a Community Redevelopment Authority and reconvene as a City Council.

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

RECOMMEND APPROVAL OF SPECIAL DESIGNATED PERMIT APPLICATION

Councilmember Brink moved and Councilmember Redfern seconded that the Council recommend approval of a special designated permit application filed by JW's catering to sell alcoholic beverages at the York County Fairgrounds on June 17, 2011 (with a rain date of June 20, 2011) for figure 8 races.

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

APPROVE AERIAL APPLICATOR'S LICENSE AGREEMENT

The City Administrator advised that the United Farmers Coop wishes to conduct an aerial applicator's or crop spraying service on the York Municipal Airport under the same terms and conditions as other aerial applicators. He advised that their pad and building will be on the north side of the existing buildings and may be interested in constructing a hangar also.

Councilmember Leggett moved and Councilmember Obermier seconded to authorize the City Administrator to enter into such agreement with United Farmers Coop.

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

ADJOURN INTO EXECUTIVE SESSION

Councilmember Redfern moved and Councilmember Wolfe seconded that the Council adjourn into Executive Session to discuss to discuss union negotiations, the time being 7:15 o'clock p.m.

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

The Mayor announced that the Council was going into Executive Session to discuss union negotiations.

Councilmember Brink moved and Councilmember Redfern seconded to adjourn from Executive Session, the time being 7:31 o'clock p.m.

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:31 o'clock p.m.

C. Jean Thiele, City Clerk

Charles Harris, Mayor