

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
SEPTEMBER 1, 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: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. . Absent: None. 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 27, 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 Obermier seconded that the Minutes of the August 18, 2011 meeting be approved.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays None. 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 \$153.46 be approved.

Roll Call Vote: Wolfe, Obermier, Mogul, Leggett, Brink, Redfern and Toms. Nays: None. Councilmember North declared a Conflict of Interest inasmuch as he is an owner of North Office Supply . abstained from voting. Motion Carried

**APPROVE CLAIMS**

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period August 19, 2011 through September 1, 2011 be approved and paid.

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

**REPORT ON NEBRASKA AVENUE**

The Director of Public Works reported on the progress of Nebraska Avenue stating that the box culvert has been installed through 8<sup>th</sup> Street and that 6<sup>th</sup> Street should be opened next week.

The Mayor announced that the order of the agenda would be changed to accommodate those in attendance.

**LIQUOR LICENSE MANAGER APPLICATION**

An application was presented to the Council filed by ELKS BPOE of York Lodge No. 1024 to name Julie Hoffschneider as Manager of said license. Mrs. Hoffschneider was present at the meeting to answer

any questions.

Councilmember Leggett moved and Councilmember Redfern seconded that the Council recommend approval of Julie Hoffschneider as Manager of the Elks Club liquor license.

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

**APPROVE SPEICAL DESIGNATED PERMIT APPLICATION**

An application filed by Kerry's Restaurant and Catering to sell alcoholic beverages on September 11, 2011 at the York County Fairgrounds for a Figure 8 event was presented to the Council. Lisa Johnson was present at the meeting and advised that alcoholic beverages will be confined to a fenced in area and everyone over 21 will wear armbands.

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

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

**APPROVE TIF APPLICATION**

An application filed by Nathan Steever and Charles Hoffman for TIF funds in the amount of \$2,900.00 for site development improvements at 927 North Platte was presented to the Council. Mr. Steever and Mr. Hoffman were present at the meeting to outline their improvements and that the TIF funds will be used for a new sidewalk. Councilmember Leggett reported that the TIF Advisory Board had met and recommended approval of the application.

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

**BEFORE THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA**

**RESOLUTION NO. 2011-16**

**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, improvements at 927 North Platte, filed by Nathan Steever and Charles Hoffman in the amount of \$2,900.00 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: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays None. Motion Carried.

AMEND BUILDING CODE ORDINANCE

ORDINANCE NO. 2054

AN ORDINANCE TO AMEND A PORTION OF CHAPTER 9, BUILDING, REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDNG FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Redfern moved and Councilmember Mogul seconded that the Statutory Rule requiring reading on three different days of Ordinance No.2054 be suspended.

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

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 Leggett moved and Councilmember Obermier seconded that Ordinance No.2054 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays None. Motion Carried. Ordinance No.2054 was declared adopted.

APPROVE 2011-2012 BUDGET

The Mayor announced that this was the time and place set for a public hearing on the 2011-2012 Budget and the City Clerk read the required legal notice. The City Administrator went through the budget, department by department.

Following discussion, the following actions were taken:

1) Councilmember Toms moved and Councilmember Mogul seconded that the following Resolution be adopted:

RESOLUTION NO. 2011-14

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

That the City of York, Nebraska, has determined the necessity to amend the preliminary property tax rate as certified by the York County Clerk.

That the Mayor and City Council have published notice of a public hearing called for the purpose of receiving testimony on such proposed amendment as provided for in Section 55 of L.B. 693 of the 94th Legislative Second Session.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of York, Nebraska, do hereby determine the necessity to amend the preliminary property tax rate, the amended rate to be determined after the budget documents are prepared.

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

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

RESOLUTION NO. 2011-15

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of York passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of York that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of York, b a majority vote, resolves that:

- (1) The 2011-2012 property tax request be set at \$0.137076
- (2) A copy of this Resolution be certified and forwarded to the County Clerk on or before September 20, 2010.

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

3)

ORDINANCE NO. 2053

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL, TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Leggett moved and Councilmember Redfern seconded that the Statutory Rule requiring reading on three different days of Ordinance No.2053 be suspended.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays None. Motion Carried. 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.2053 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays None. Motion Carried. Ordinance No. 2053 was declared adopted.

ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 7:30 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor