

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
JANUARY 17, 2008**

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: Toms, Wolfe, Obermier, Mogul, North, Leggett, Brink and Redfern. . 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 January 14, 2008, 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 January 3, 2008 meeting be approved.

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

REPORTS

Councilmember Obermier moved and Councilmember Mogul seconded that the Departmental Activities Report, Water Department Operational Statement and Sewer Department Operations Statement be approved.

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

FUND BALANCES

Councilmember Redfern moved and Councilmember Toms seconded that the Fund Balances and Budget Comparison reports be approved.

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

CLAIMS

Councilmember Redfern moved and Councilmember Obermier seconded that the claims for the period January 4, 2008 through January 17, 2008 be approved.

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

APPROVE ELECTED OFFICIALS' CLAIMS

Councilmember Redfern moved and Councilmember Brink seconded that the claims of North

Office Supply in the amount of \$548.61 and York Printing Co. in the amount of \$543.40 be approved

Roll Call Vote: Ayes: Toms, Wolfe, Obermier, Mogul, Leggett Brink and Redfern. Nays: None. Councilmember North declared a conflict of interest in that he is owner of North Office and York Printing Co. and abstained from voting. Motion Carried.

Approve Registered Warrants:

Councilmember Redfern moved and Councilmember Leggett seconded that the City Clerk/Treasurer be directed to register the following warrants issued to Kirkham, Michael for engineering in connection with the following projects: \$3,087.87 for Peters Sunrise Estates Water Extension District 07-2; \$2,550.71 for Peters Sunrise Estates Sanitary Sewer Extension District 07-2; \$3,502.00 for Peters Sunrise Estates Paving Districts 07-2 and 07-3; \$3,838.69 for Karashow Ridge Subdivision Sanitary Sewer District 07-2; \$3,579.03 for Karashow Ridge Subdivision Water District 07-1; \$14,612.44 for Nebraska Avenue project and Warrant payable to Rutjens Construction Co. for Progress Estimate No. 1 in the amount of \$377,142.53 for water and sewer projects for Karashow Ridge and Peters Sunrise Estates.

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

CITY ADMINISTRATOR REPORT

The City Administrator (1) presented the Council with a floor plan of a proposed concession stand and rest room building for East Hill Park and (2) advised that the City Administrator and Councilmember appointed by the Mayor to study and make a report of the ball fields had met with York Public School to discuss the land north of the junior high building and the group will be meeting with York College and representatives of the softball groups; and will report back at a later date.

RECOMMEND APPROVAL OF LIQUOR LICENSE

At 7:00 o'clock p.m. the Mayor announced that this was the time set for a public hearing on an application for a Class C Liquor License and Corporate Manager filed by Finish Line LLC d/b/a Finish Line Bar and Grill and the City Clerk read the legal notice regarding said matter. The applicant, Brandon Schade of Kearney, Nebraska was present. He will be owner of the Finish Line and is taking on-line courses regarding bar ownership and management. He advised that his employees will be required to take on-line courses regarding beverage server programs. He further advised that he will work closely with the York Police Department.

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

RESOLUTION NO. 2008-2

BE IT RESOLVED

That Finish Line LLC d/b/a Finish Line Bar and Grill, has made application for a Class "C" Liquor License for sale of Spirits, Wine, Beer On & Off Sale at 108 West 5th Street, York, Nebraska.

That the Mayor and City Council of the city of York, Nebraska, have held a public hearing on the 17th day of January, 2008, pursuant to Nebraska Liquor Control Act and Ordinance No.1525 of the City of York; and

That notice of the time and place of hearing herein has been given as provided by law; and

That the Mayor and Council in hearing conducted herein have considered licensing standards and criteria set forth in Ordinance No. 1525 of the City of York, and appropriate statutory provisions and find:

- (1) That the application will further the public interest.

- (2) That the application will provide an improvement to the locality or neighborhood
- (3) That the application will provide an improvement to the City of York, Nebraska and a true increase to the service to the public.
- (4) That the application will not be detrimental to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK, NEBRASKA, that it is the recommendation of this body that the application for a Class "C" liquor license for the sale of Spirits, Wine, Beer On & Off Sale, as submitted by Finish Line LLC d/b/a Finish Line Bar and Grill, 108 West 5th Street, City of York, Nebraska, be approved and such recommendation be transmitted to the Nebraska Liquor Control Commission.

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

COMMENTS FROM BOB ROTH

Bob Roth was present asking that the Council raise the amount of the water deposit from \$75.00 to \$100.00 inasmuch as the water rates have increased four times since the deposit was raised to \$75.00. The matter will be discussed by the Ordinance Committee for further study.

COMMENTS FROM COUNCILMEMBER BRINK

Councilmember Brink provided the Council with a list of Action Strategies from the Comprehensive Plan. She would like to have at least an annual meeting with the Councilmembers, planners, Planning Commission and staff for a review of the associated zoning and subdivision regulations.

APPROVE LEASE AGREEMENT

Councilmember Leggett moved and Councilmember Wolfe seconded that the annual Lease Agreement with Mosaic, York Agency be approved.

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

AWARD CONTRACT

Councilmember Brink moved and Councilmember Obermier seconded that the Council award a contract to A & R Construction in the amount of \$516,669.74 for paving districts 07-1, 07-2 and 07-3 in Karashaw Ridge Subdivision and Peters Sunrise Estates Subdivision. The Director of Public Works advised that the City received 10 bids and the low bid was approximately \$78,000 below the engineer's estimate.

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

ADJOURNMENT

Councilmember Leggett moved and Councilmember Obermier seconded that the Council meeting be adjourned the time being 8:10 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor

