

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
DECEMBER 4, 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.

Present were: Mayor Charles Harris; Councilmembers: Obermier, Mogul, North, Leggett, Brink, Redfern, Toms and Wolfe. Absent: None. Also present was 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 December 1, 2008. 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 Mogul moved and Councilmember Obermier seconded that the Minutes of the November 20, 2008 meeting be approved.

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

CLAIMS

Councilmember Redfern moved and Councilmember Leggett seconded that the claims for the period of November 20, 2008 through December 4, 2008 be approved and paid.

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

APPROVE ELECTED OFFICIALS CLAIMS

Councilmember Redfern moved and Councilmember Brink seconded that the claim of Cy North for North Office in the amount of \$290.43 be approved and paid.

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

CITY ADMINISTRATOR REPORT

The City Administrator submitted a "comparison of property tax rates within the City of York" to the Council. He advised that the City has purchased 1225' of property from York County by bid which will allow Forest Heights Drive to connect to 4-H Drive. He also advised that the City will purchase three vehicles using the State bids: a ¾ ton pickup for \$21,840; a small pickup for \$19,210; and a police vehicle for \$20,963.

REQUEST FROM DALANE EPP

Dalane Epp was present at the council regarding connection to the City's sewer system. Attorney Kent Rauert, representing Mr. Epp, was present asking that the ordinances of the City be amended to allow property owners owning over 21 acres to continue to utilize a septic system.

CONSIDER TIF APPLICATION

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

Roll Call Vote: Ayes: Obermier, North, Leggett, Brink, Redfern, Toms, and Wolfe. Councilmember Mogul declared a conflict of interest and refrained from voting; Nays: None. Motion Carried.

An application filed by Lucas Automation was presented to the Council. Wes Williamsen was present advising that his company had purchased a building at 203 East 9th Street and is seeking tax increment funding in the amount of \$15,000 for site acquisition and building façade improvements in the amount of \$15,000. Councilmember Leggett advised that the TIF Advisory Group had recommended approval of the same.

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. _ 2008-27_____

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 property acquisition and building renovation filed by Lucas Automation, Inc. in the amount of \$15,000.00 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, North, Leggett, Brink, Redfern, Toms and Wolfe. Councilmember Mogul declared a Conflict of Interest and refrained from voting. Nays: None. Motion Carried.

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

Roll Call Vote: Ayes: Obermier, North, Leggett, Brink, Redfern, Toms and Wolfe. Councilmember Mogul declared a Conflict of Interest and refrained from voting; Nays: None. Motion Carried.

APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

Councilmember Redfern moved and Councilmember Mogul seconded that the Council recommend approval of a Special Designated Permit Application filed by Kerry's Restaurant and Catering, Inc. to sell alcoholic beverages at the Cornerstone Event Center on March 9, 2009.

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

Motion Carried.

REPORT FROM DIRECTOR OF PUBLIC WORKS

The Director of Public Works reported on improvements at the Wastewater Treatment Plant and that using new technology, the cost will be considerably more than previously projected. He did, however, state that improvements will not commence until 2009 and the costs will be spread over two fiscal years.

ADJOURN INTO EXECUTIVE SESSION
TO DISCUSS LAND ACQUISITION
AND PENDING LITIGATION

The Mayor announced that the Council will be adjourning into Executive Session to discuss land acquisition and pending litigation.

Councilmember Leggett moved and Councilmember Brink seconded that the Council adjourn into Executive Session to discuss land acquisition and pending litigation, the time being 7:32 o'clock p.m.

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

ADJOURN FROM EXECUTIVE SESSION

Councilmember Redfern moved and Councilmember Obermier seconded that the Council adjourn from Executive Session, the time being 8:02 o'clock p.m.

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

ADJOURNMENT

There being no further business to come before the Council, Councilmember Obermier moved and Councilmember Leggett seconded that the meeting be adjourned, the time being 8:02 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor