

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
FEBRUARY 5, 2009**

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: President of the Council Redfern; Councilmembers: Obermier, Mogul, North, Leggett, Brink, Toms and Wolfe. Absent: Mayor Harris. Also present was the City Clerk and Director of Public Works.

Notice of this meeting was given in advance thereof by publication in the York News Times on February 2, 2009. 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 Obermier moved and Councilmember Leggett seconded that the Minutes of the January 15, 2009 meeting be approved.

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

CLAIMS

Councilmember Mogul moved and Councilmember North seconded that the claims for the period of January 15, 2009 through February 5, 2009 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 Mogul moved and Councilmember Obermier seconded that the claim of Cy North for North Office in the amount of \$787.29 and York Printing Co. in the amount of \$421.83 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 York Printing Co. and abstained from voting. Nays: None. Motion Carried.

RECOMMEND APPROVAL OF CLASS C LIQUOR LICENSE

At 7:300 o'clock p.m. the President of the Council advised that this was the time and place set for a public hearing on an application for a Class C Liquor License and Manager filed by Legacy Six LLC d/b/a The Finish Line and the City Clerk read the required legal notice. The applicant, Monte Rice, was present at the Council meeting and advised that he wishes to concentrate on the Finish Line being a restaurant but would like a liquor license to be able to serve alcoholic beverages. At present the open hours will be 11:00 am to 8:00 p.m. with later closing hours on the weekends. He advised that he has taken the on-line training provided by the Liquor Control Commission and his employees will be required to take the training.

Following considerable discussion in which his prior violations were discussed, Councilmember Leggett moved and Councilmember Brink seconded that the following Resolution be adopted:

RESOLUTION NO. 2009-2

BE IT RESOLVED

That Legacy Six LLC d/b/a The Finish Line, has made application for a Class “C” Liquor License for sale of Beer, Wine & Distilled Spirits, On and 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 5th day of February, 2009, 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 Beer, Wine and Distilled Spirit, On and Off Sale, as submitted by Legacy Six, LLC d/b/a/ The Finish Line, 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: Obermier, Mogul, North, Leggett, Brink, Redfern and Wolfe. Nays: Toms. Motion Carried.

APPROVE MAYOR’S APPOINTMENT

President of the Council Redfern advised that the Mayor had announced his appointment of Matt Spanjers to the unexpired term of Mark Stevens on the Board of Public Works, said term terminating June 1, 2011.

Councilmember Obermier moved and Councilmember Leggett seconded that the appointment be approved.

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 Leggett moved and Councilmember Brink seconded that the meeting be adjourned, the time being 7:19 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

