

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
APRIL 15, 2010**

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: Redfern, Toms, Wolfe, Obermier, Mogul, North, Leggett and Brink. 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 April 12, 2010, 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 Toms moved and Councilmember Wolfe seconded that the Minutes of the April 1, 2010 meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

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

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

CLAIMS OF ELECTED OFFICIAL

Councilmember Redfern moved and Councilmember Toms seconded that the claim of Cy North for North Office Supply in the amount of \$536.07 and York Printing Co. in the amount of \$711.61 be approved and paid. .

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

CLAIMS

Councilmember Toms moved and Councilmember Mogul seconded that the claims for the period April 1, 2010 through April 15, 2010 be approved and paid.

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

REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: \$25,081.58 for the Nebraska Avenue Project; \$5,595.96 for Water Transmission Line and Wellfield (per Amendment # 1); and \$1,747.59 for Water Transmission Line and Wellfield (original agreement).

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

CITY ADMINISTRATOR REPORT

The City Administrator reported that: 1) farm report for the wellfield property; 2) Mark has been contacted by an Omaha firm who will pay approximately \$80,000 for the Nebraska Avenue used brick; 3) introduced John Biel, Solid Waste Receiving Center Superintendent; and 4) introduced Tara Vasicek, Public Works Project Manager.

PUBLIC HEARINGS

1) The Mayor announced that this was the time and place set for a public hearing regarding a review of the City's Comprehensive Plan to determine whether to recommend that the Plan be amended to authorize the creation of a mixed use zoning district on the former middle school property owned by the York Public Schools and the City Clerk read the legal notice regarding said matter. Tom Shellington spoke in opposition to the creation of a mixed use district that would allow a liquor license and dancing in as much as this would depreciate the value of his property.

Following discussion, Councilmember Brink moved and Councilmember Obermier seconded to deny amending the Comprehensive Plan to allow a mixed use zoning district.

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

2) The Mayor announced that this was the time and place set for a public hearing on a preliminary and final plat of Four Corners Subdivision filed by York General Health Care Services and the City Clerk read the required legal notice regarding said matter. Mayor Harris, Councilmember North and Councilmember Brink declared conflicts of interest and refrained from the discussion. Kelly Thomas, representing York General Hospital, spoke in support of the plat stating that they wish to sell Lot 1 to Four Corners. Vicki Dewey Executive Director of Four Corners spoke in favor of the plat. The City Administrator advised that the Planning Commission had recommended approval of the plat.

Following discussion, Councilmember Leggett moved and Councilmember Toms seconded that the Plat be approved.

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

APPROVE APPLICATIONS FOR TAX INCREMENT FINANCING

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

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

1) An application filed by Ken Kunze Realty seeking funds in the amount of \$4,800.00 to replace the second story windows at 721 Grant was presented to the Council. Ken Kunze was present in support of the application.

Following discussion, Councilmember Leggett moved and Councilmember Toms seconded that the

following Resolution be adopted:

RESOLUTION NO. 2010-12

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 the replacement of 35 second floor windows at 721 Grant Avenue, filed by the Ken Kunze Realty in the amount of \$4,800.00 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: Redfern, Toms, Wolfe, Obermier, Mogul, North, Leggett and Brink. Nays: None. Motion Carried.

2) An application filed by CWC of York, Inc. d/b/a Culligan Water Conditioning seeking funds in the amount of \$13,620.00 was presented to the Council. Glen Arbogast was present in support of the application stating that the building will be used for cold storage of trucks and equipment.

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

RESOLUTION NO. 2010-13

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 building construction at 207 East 4th, filed by the CWC of York, Inc. d/b/a Culligan Water Conditioning in the amount of \$13,620.00 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: Redfern, Toms, Wolfe, Obermier, Mogul, North, Leggett and Brink. Nays: None. Motion Carried.

3) An application filed by the ReVue Consignment Store seeking funds in the amount of \$24,79500 was presented to the Council. Lisa Obermier, Area Director of Region 5, and Mary Evans, Volunteer Manager, were present in support of the application stating that the funds will be used for exterior renovation of the building at 826 N Grant.

Following discussion, Councilmember Leggett moved and Councilmember Toms seconded that the following Resolution be adopted:

RESOLUTION NO. 2010-14

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 exterior renovation work at 826 N Grant, filed by the ReVue Consignment Store in the amount of \$24,795.00 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: Redfern, Toms, Wolfe, Obermier, Mogul, North, Leggett and Brink. Nays: None. Motion Carried.

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

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

APPROVE WATER EXTENSION AGREEMENT
WITH PIONEER HI-BRED INTERNATIONAL, INC.

Councilmember Mogul moved and Councilmember Obermier seconded that the Mayor be authorized to enter into an agreement with Pioneer Hi-Bred International, Inc. for the connection of a ten-inch water main from the City's existing ten-inch water main to Pioneer production plant approximately 1.4 miles within the Nebraska Highway 34 right of way.

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

TABLE AGREEMENT

The City Administrator advised that the Solid Waste Agency had met regarding an agreement with Mosaic wherein Mosaic is asking for the city to pay 75% of the expenses and receiving 75% of the proceeds retroactive to January 2009. The Board had suggested a 50-50 split beginning in January 2010.

Councilmember Redfern moved and Councilmember Toms seconded to table this matter.

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

APPROVE CONTRACTOR REGISTRATIONS

Councilmember Leggett moved and Councilmember Brink seconded that the listing of Contractor Registrations for 2010-2011 be approved.

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

APPROVE OCCUPATION TAXES

Councilmember Obermier moved and Councilmember Wolfe seconded that the Occupation Tax listing for 2010-2011 be approved.

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

RESOLUTION OF INTENT

Councilmember Leggett moved and Councilmember Brink seconded that the following Resolution be adopted:

RESOLUTION OF INTENT NO. 2010-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF YORK, NEBRASKA, DECLARING OFFICIAL INTENT TO INCUR INDEBTEDNESS AND REIMBURSE EXPENDITURES

BE IT RESOLVED by the Mayor and City Council of the City of York, Nebraska, hereby anticipate incurring expenditures in connection with the following :

Contract with Sargent Drilling in the original contract sum of \$1,736,820.00
Water Wells – progress payments to be made monthly.

BE IT FURTHER RESOLVED that the Mayor and City Council presently intend to incur indebtedness in the amount not to exceed \$1,736,820.00 to pay for or reimburse advances related to such expenditures.

This Resolution shall be in full force and effect from its passage this 15th day of April, 2010.

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

APPROVE CONNECTION TO CITY WATER SERVICE

A request of Pioneer Hi-Bred to extend the city's water service to their premises – approximately 1.4 miles along Nebraska Highway 34. They will be extending a 10" water main designed to city standards and subject to city approval was submitted. After construction and approval the main would be turned over to the City for ownership, operation and maintenance.

Councilmember Mogul moved and Councilmember Brink seconded to approve the request.

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

RESOLUTION REGARDING CONSULTANT SELECTION PROCESS

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

RESOLUTION NO. 2010-16 CITY OF YORK, NEBRASKA

WHEREAS, Certain Transportation facilities (roads, streets, trails and others) in the City of York have been designated as being eligible for Federal funds by the Federal Highway Administration in compliance with Federal laws pertaining thereto; and

WHEREAS, The City of York desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, The Nebraska Department of Road as a recipient of said Federal funds is charged with oversight

of the expenditures of said funds; and

WHEREAS, The City of York as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the Nebraska Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform act).

WHEREAS, The City of York understands that the failure to meet all requirements for Federal funding could lead to a project(s) being declared ineligible for Federal funds, which could result in the City of York being required to repay some or all of the Federal funds expended for a project(s); NOW, THEREFORE,

BE IT RESOLVED, That the York City Council does hereby adopt and bind itself to comply with all applicable Federal laws, including the rules and regulations of the Federal Highway Administration, all state laws and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies (Uniform Act).

BE IT FURTHER RESOLVED, That the York City Council does hereby designate the following as responsible for the management of the following process:

Consultant Selection Process:

Alternate Mark Christiansen Director of Public Works

The National Environmental Policy Act (NEPA);

Alternate Mark Christiansen Director of Public Works

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act):

Alternate Mark Christiansen Director of Public Works

The City Administrator is hereby authorized to execute the Financial Management Systems Certification attached to this Resolution:

Alternate Jack Vavra City Administrator

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:20 o'clock p.m.

C. Jean Thiele, City Clerk

Charles Harris, Mayor