

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
APRIL 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 Acting Mayor announced that the Open Meetings Act is posted on the East Wall of the Council Chambers.

**ROLL CALL**

Present were: Councilmembers: Mogul, North, Leggett, Brink, Redfern, Toms, and Wolfe. Absent: Obermier. Also present were the City Clerk, City Attorney, 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 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 Toms moved and Councilmember Mogul seconded that the Minutes of the April 3, 2008 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES**

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

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

**CLAIMS**

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

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

**APPROVE ELECTED OFFICIALS' CLAIMS**

Councilmember Redfern moved and Councilmember Leggett seconded that the claim of Cy North

for North Office Supply in the amount of \$417.62 and York Printing Co. in the amount of \$668.58 be paid.

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

#### Approve Registered Warrant:

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to register a warrant in the amount of \$2,150.00 issued to Kirkham, Michael for engineering in connection with Nebraska Avenue project from 14<sup>th</sup> street to Beaver Creek.

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

#### HEAR FROM MAYOR'S SOFTBALL COMMITTEE

Councilmember presented the Council with a proposed plan for two ball fields and parking on the existing field now used for track across north from the old Middle School on 14<sup>th</sup> Street. The total package for the two fields, lighting, concession stand and parking is estimated to be \$562,000. The Mayor's Softball Committee will meet with the concerned groups and report back to the Council. Ken Kunze advised that he thought that the property north of the Miller Park ballfields, consisting of approximately 20 acres, would be an excellent location for additional ballfields.

#### APPROVE PLATS

At 7:30 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on a preliminary and final plat of Irregular Tract No. 4 located in the NE/4 of Section 27, Township 11 North, Range 3 West of the 6<sup>th</sup> P.M., York County, Nebraska filed by York General Health Care Services and the City Clerk read the required legal notice. Zach Suddarth was presenting representing the applicant stating that the owner wishes to sell a 4.26 acre tract. The Director of Public Works advised that the Plat meeting the land subdivision regulations and that the Planning Commission had recommended approval.

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

Roll Call Vote: Ayes: Mogul, Leggett, Brink, Redfern, Toms and Wolfe. Nays: None. Absent & Not Voting: Obermier. Abstained due to a conflict of interest: North. Motion Carried.

At 7:30 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on a preliminary and final plat of Irregular Tract No. 24, Section 32, Township 11 North, Range 2 West of the 6<sup>th</sup> P.M., York County, Nebraska filed by Janine Kranz, et al. and the City clerk read the required legal notice. Rick Steever was present advising that he wished to incorporate into his tract of ground the drive way and tree line and extend his tract to the quarter section line. The Director of Public Works advised that although the tract is substandard, that with this addition it is closer to the required four acres that the existing tract. He also advised that the Planning Commission had recommended approval.

Councilmember Brink moved and Councilmember Wolfe seconded that the plat be approved.

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

#### APPROVE LIQUOR LICENSE

At 7:00 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on an application for a Class D liquor license filed by Grand Central Foods and the City Clerk read the required legal notice. Warren Thomas was present to answer questions. He advised that he and staff will be taking training regarding the sale of alcoholic beverages.

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

#### RESOLUTION NO. 2008-5

#### BE IT RESOLVED

That Grand Central Foods, Inc. d/b/a Grand Central Foods, , has made application for a Class “D” Liquor License for sale of Spirits, Wine, Beer Off Sale at 3<sup>rd</sup> & Lincoln, York, Nebraska.

That the Mayor and City Council of the city of York, Nebraska, have held a public hearing on the 17<sup>th</sup> day of April, 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 “D” liquor license for the sale of Spirits, Wine Beer Off Sale, as submitted by Grand Central Foods, Inc. d/b/a Grand Central Foods, City of York, Nebraska, be approved and such recommendation be transmitted to the Nebraska Liquor Control Commission.

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

#### TABLE LIQUOR LICENSE HEARING

At 7:30 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on an application filed by Petro Stopping Centers for a Class B liquor license and the City Clerk read the required legal notice. No one was present to represent the applicant.

Councilmember Leggett moved and Councilmember Toms seconded to table the hearing until May 1, 2008.

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

#### APPROVE TIF APPLICATION

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

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

Ken Kunze was present in support of his application for TIF funds in the amount of 25% of his total project, or \$1,649.50. He advised that the TIF funds will be used for new door glass and windows. In addition to the TIF eligible project, he will be replacing his furnace, air conditioning and lighting.

Following discussion, Councilmember Toms moved and Councilmember Mogul seconded that the following resolution be adopted:

BEFORE THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA

RESOLUTION NO. 2008-7\_\_\_\_\_

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 to replace windows and doors on lower level of offices at 721 Grant Avenue in the amount of \$1,649.00 and the eventual consideration of entering into an agreement with the subject property owners for tax increment financing for said renovations, 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: Mogul, North, Leggett, Brink, Redfern, Toms and Wolfe. Nays: None. Absent & Not Voting: Obermier. Motion Carried. \_\_\_\_\_

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

Roll Call Vote: Ayes: Mogul, North, Leggett, Brink,

APPROVE MAYOR'S APPOINTMENTS

Planning Commission:

The Mayor announced his reappointments of Steve Ermer, Ross Ronne and Erin Bristol to the Planning Commission for three year terms terminating January 1, 2011.

Councilmember Redfern moved and Councilmember Leggett seconded that the reappointments be approved.

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

Board of Public Works:

The Mayor announced his reappointment of Mark Steven so the Board of Public Works for a three year term terminating June 1, 2011.

Councilmember Leggett moved and Councilmember Toms seconded that the reappointment be approved.

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

Advisory Board of Park and Recreation Commissioners:

The Mayor announced his reappointment of Pat Eichinger and Harold Nordlund for three year terms terminating January 1, 2011.

Councilmember Toms moved and Councilmember Wolfe seconded that the reappointments be approved.

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

Examining Board of Plumbers and Mechanical Contractors:

The Mayor announced his reappointment of Ron Skaden for a two year term terminating on January 1, 2010

Councilmember Mogul moved and Councilmember Brink seconded that the reappointment be approved.

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

Library Board:

The Mayor announced his reappointment of Leonard Hoskins to the Library Board for a five year term terminating July 1, 2013

Councilmember Mogul moved and Councilmember Leggett seconded that the reappointment be approved.

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

Aviation Board:

The Mayor announced his appointment of Kendall Holthus to the Aviation Board to replace Gus Brown. The Mayor thanked Gus for all his time on said Board.

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

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

Resignation:

The Mayor announced that Judy Wiley had resigned from the Planning Commission. The Mayor thanked Judy for her time and efforts on said Commission.

APPROVE AGREEMENT

Councilmember Leggett moved and Councilmember Brink seconded that the Mayor be authorized to enter into an agreement with Kirkham, Michael for Professional Engineering Construction Phase Services for Sanitary Sewer District No. 08-1.

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

ADJOURNMENT

Councilmember Leggett moved and Councilmember Mogul seconded that the Council meeting

be adjourned the time being 7:37 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor