

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
MAY 15, 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: Leggett, Brink, Redfern, Toms, Wolfe, Mogul and North. 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 May 12, 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 Redfern moved and Councilmember Toms seconded that the Minutes of the May 1, 2008 meeting be approved.

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

REPORTS

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

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

FUND BALANCES

Councilmember Leggett moved and Councilmember Brink seconded that the Fund Balances and Budget Comparison reports be approved.

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

CLAIMS

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period April 18, 2008 through May 15, 2008 be approved.

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

APPROVE ELECTED OFFICIALS' CLAIMS

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

for North Office Supply in the amount of \$525/-8 and York Printing Co. in the amount of \$154.39 be paid.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe and Mogul. 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 Leggett seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: Peters Sunrise Estates (1) in the amount of \$1,107.52 for engineering in connection with Sanitary Sewer District 07-2; (2) in the amount of \$569.42 for engineering in connection with Water District 07-2; Karashow Ridge Subdivision (3) in the amount of \$1,749.53 for engineering in connection with Water District 07-1; (4) in the amount of \$1,154.56 for engineering in connection with Sanitary Sewer District 07-1; 10th Street (5) in the amount of \$875.74 for engineering in connection with Sanitary Sewer District 08-1; and (6) in the amount of \$4,019.21 for engineering in connection with Paving District 08-1; and Warrant payable tot Rutjens Construction Co. in the amount of \$148,217.08 for Sanitary Sewer District 07-1, Water District 07-1, Sanitary Sewer extension District 07-2 and Water Extension District 07-2.

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

APPROVE SPECIAL USE PERMIT

At 7:00 o'clock p.m. the Mayor announced that this was the time and place for a public hearing on an application for a special use permit filed by Jason Stutzman to operate a day care on the following described premises, to-wit: West 54 feet of Lot 6, Block 31, Original Town, City of York (124 West 8th Street, and the City Clerk read the required legal notice. Jason Stutzman and Carey Engert were present in support of the application stating that they now operate a date care for 10 children. They stated that they will be licensed for 22 or less children at this location. They advised that they will use the playground at the Lutheran Church and that children, if old enough, will be escorted across the street. The Director of Public Works expressed concern with the fact that there is no off street parking, and further advised that the Planning Commission had expressed concern with the off street parking issue but did recommend approval. The Council discussed the option of designating the parking stalls to the south as "loading and unloading" only. Beverly Bornschlegel expressed concern with parking in front of the consignment store if the Council should designate more than one or two parking spaces on the south as "loading and unloading". Ms. Engert advised that not all of the children arrive and leave at the same time so does not envision a problem and also advised that the parent must accompany to the child to and from the facility.

Following discussion, Councilmember Brink moved and Councilmember Leggett seconded that the special use permit be approved.

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

TAX INCREMENT FINANCING APPLICATION

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

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

An application filed by Jon Strong Storage LLC d/b/a Self Storage of York was presented to the Authority. Mr. Strong was present to speak in support of the application. He is seeking TIF monies in the amount of \$41,500 for phase one and \$60,000 for phase two. He is desiring to acquire land, site development, building costs, fencing and contingencies to construct three storage units in phase one. He is proposing a secure, fenced in area (with possible roof and three enclosed sides) for the storage of RVs, boats, etc. He advised that the vacant ground nets \$400 in property taxes per year and that after

development will bring in approximately \$16,000 in property taxes. The City Administrator advised that if the units are 62% occupied over the 15 year period, he will in fact break even and net approximately 10% and that the units can be built without TIF.

Following considerable discussion, Councilmember Brink moved and Councilmember Wolfe seconded to approve the following Resolution:

BEFORE THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA

RESOLUTION NO. 2008-8_____

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 land acquisition (approximately 3.65 acres), site development, building costs, fencing and contingencies as filed by Jon Strong Storage LLC d/b/a Self Storage of York in the amount of \$41,500.00 and the eventual consideration of entering into an agreement with the subject property owner 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: Leggett, Brink, Redfern, Toms, Wolfe, Mogul and North. Nays: None. Absent & Not Voting: Obermier. Motion Carried.

Councilmember Leggett moved and Councilmember North seconded to adjourn as a Community Redevelopment Authority and reconvene as a City Council

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

APPROVE REFUND WATER BONDS

ORDINANCE NO. 2006

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF WATER SYSTEM REVENUE REFUNDING BONDS OF THE CITY OF YORK, NEBRASKA IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE PURPOSE OF PAYING AND REDEEMING THE CITY'S OUTSTANDING WATER REVENUE BONDS, SERIES 1999; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE WATERWORKS PLANT AND SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREOF AND PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID WATERWORKS PLANT AND SYSTEM; MAKING CERTAIN DETERMINATIONS; AUTHORIZING THE SALE OF SAID BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE INITIAL PURCHASER; MAKING CERTAIN UNDERTAKINGS WITH RESPECT TO DISCLOSURE; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; AUTHORIZING THE OFFICERS OF THE CITY TO CALL THE BONDS TO BE REFUNDED, AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN

PAMPHLET FORM.

Councilmember Toms moved and Councilmember Brink seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2006 be suspended.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Mogul and North. Nays: None. Absent & Not Voting: Obermier. The motion was adopted by a three-fourths vote of the Council and the Statutory Rule suspended for consideration of said Ordinance on its second and third reading.

Councilmember Toms moved and Councilmember Brink seconded that Ordinance No. 2006 be passed and adopted.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Mogul and North. Nays: None Absent & Not Voting; Obermier. Ordinance No .2006 was declared adopted.

APPROVE LEASE PURCHASE AGREEMENT OF 2008 AMBULANCE

ORDINANCE NO. 2007

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA AUTHORIZING AND APPROVING A LEASE PURCHASE AGREEMENT BETWEEN THE CITY AND AMERITAS INVESTMENT CORP., LINCOLN, NEBRASKA, IN THE TOTAL PRINCIPAL AMOUNT OF \$112,000 FOR THE PURCHASE OF A NEW AMBULANCE FOR THE FIRE DEPARTMENT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND RELATED MATTERS.

Councilmember Leggett moved and Councilmember Mogul seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2007 be suspended.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Mogul and North. Nays: None. Absent & Not Voting: Obermier. The motion was adopted by a three-fourths vote of the Council and the Statutory Rule suspended for consideration of said Ordinance on its second and third reading.

Councilmember Leggett moved and Councilmember Mogul seconded that Ordinance No. 2007 be passed and adopted.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Mogul and North. Nays: None. Absent & Not Voting: Obermier. Ordinance No. 2007 was declared adopted.

ADJOURNMENT

Councilmember Leggett moved and Councilmember Mogul seconded that the Council meeting be adjourned the time being 7:40 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor