

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
MAY 20, 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: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. 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 May 17, 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 Mogul moved and Councilmember Leggett seconded that the Minutes of the May 6, 2010 meeting be approved.

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

REPORTS

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

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

FUND BALANCES AND BUDGET COMPARISON

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

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

CLAIMS OF ELECTED OFFICIAL

Councilmember Redfern moved and Councilmember Mogul seconded that the claim of Cy North for North Office Supply in the amount of \$200.50 and York Printing Co. in the amount of \$876.35 be approved and paid. .

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, Leggett, Brink, Redfern and Toms. . 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 Redfern moved and Councilmember Toms seconded that the claims for the period May 6, 2010 through May 20, 2010 be approved and paid.

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

REGISTERED WARRANTS

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: \$357.03 for the Nebraska Avenue Project; \$5,920.76 for Construction Services and \$8,097.16 for design phase, both relative to water transmission main and wellfield.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported that: the sales tax receipts are down and presented the Nebraska Industrial Overview for spring 2010.

PUBLIC HEARINGS

1) The Mayor announced that this was the time and place set for a public hearing on an application filed by Full Circle Group, LLC to rezone approximately 14 acres located in the Northwest Corner of the West Half of the Northwest Quarter (W/2 NW/4) of Section 36, Township 11 North, Range 3 West of the 6th P.M. and the City Clerk read the required legal notice regarding said matter. Roger Koertner of Pathfinder Company, representing Full Circle Group, advised the Council that Aurora Coop is purchasing the property. Don Engel of Aurora Coop was present and stated that they wish to move their facility from South Lincoln Avenue to this site and conduct an agronomy center for farm use chemicals, seeds, etc. with maybe a card control fuel station. Tom Shelling asked how many people will be employed at this site – the answer was 10-15. The City Administration advised that the Planning Commission had met and recommends approval of the rezoing. The following ordinance was introduced:

ORDINANCE NO. 2030

AN ORDINANCE TO AMEND A PORTION OF THE ZONING ORDINANCE OF THE CITY OF YORK, NEBRASKA, RELATING TO BOUNDARIES OF A ZONED DISTRICT AS SET FORTH IN YORK DISTRICT MAP PROVIDED FOR AND MADE A PART OF SECTION 2, ARTICLE IV OF SAID ZONING ORDINANCE, REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

Councilmember Toms moved and Councilmember Obermier seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2030 be suspended.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None.
Motion Carried. 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 Obermier moved and Councilmember Brink seconded that Ordinance No. 2030 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None.
Motion Carried.: Ordinance No. 2030 was declared adopted.

ORDINANCE NO. 2031

AN ORDINANCE TO AMEND THE FUTURE LAND USE PLAN OF THE COMPREHENSIVE PLAN OF THE CITY OF YORK, REPEAL OF ALL ORDINANCE IN CONFLICT HEREWITH AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Leggett moved and Councilmember Brink seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 20301 be suspended.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None.
Motion Carried. 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 Obermier moved and Councilmember Brink seconded that Ordinance No. 2031 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Motion Carried.: Ordinance No. 2031 was declared adopted.

2) The Mayor announced that this was the time and place set for a public hearing regarding to consider amendment of the Comprehensive Plan to authorize creation of a new zoning district for the former middle school property and the City Clerk read the required legal notice. Paul Warshauer spoke in support of his application stating the uses he desires include (1st phase) residential rental units, potential condominium units, long term executive suites, ATM; (2nd phase) theatre for films and small live events, banquet hall, commercial kitchen; (3rd phase) fitness center, one to two chair beauty salon/barber shop, art school, music school. He advised that at the present time to conserve energy the existing cafeteria, gyms, shop area and theatre, etc will be sealed off. He advised that he had discussed the matter with Mike Lucas, Principal, and he supports the plan. The City Attorney advised that the issue at hand is a mixed use and the Planning Commission recommended that the Comprehensive Plan be amended to allow the rezoning of said property to allow R-Residential, R-3 Residential and R-P Community Unit Plan. Ray Makovicka, 626 East 12th, spoke in support to moving this project along as the present building is declining. Tom Shellington said any amendment to the Comprehensive Plan should not be done until the applicant presents a plan of the project. John Biel of 515 East 18th posed the question if the school district didn't think the building was good enough for a school why is it good enough to remodel. The City Administrator presented the Council with Article X – "R-P" Community Unit Plan regulations. He further recommended removing the building and platting the property into single family lots.

Following considerable discussion, Councilmember Redfern moved and Councilmember Leggett seconded to authorize the Comprehensive Plan be amended to authorize R-Residential, R-3-Residential and/or R-P Community Unit Plan on the former middle school property site.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Redfern and Toms. Nays: Brink. Motion Carried.

APPROVE RE-USE LOAN

Shawn Heldt of Advanced Agri Direct advised that Agri Direct is seeking a \$90,000 re-use loan for renovation of their present building and operation. He advised that they now have between 300 and 400 retailers for their parts, water bowls etc. He further advised that they will be employing an additional 10 people over the next 3-4 years. The City Administrator advised that the Advisory Committee had met and is recommending approval of the loan. He advised that the loan will be in the amount of \$116,770.49 (existing loan in the amount of \$26,770.49 plus the \$90,000) at an interest rate of 1.625 (one-half of prime) for a seven year term – with interest only payments being made June, July, August and September.

Following discussion, Councilmember Brink moved and Councilmember Leggett seconded to approve the CDBG Re-Use loan to Advanced Agri Direct in the amount of \$116,770.49.

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

APPROVE AGREEMENTS

1) The City Administrator reported that Mosaic has requested approval of an agreement with the City of York to pay the City 60% of any profits with the City paying 60% of any losses. He further advised that Mosaic has requested the agreement be retroactive to January 1, 2009 but the City has agreed only to the agreement being retroaction to January 1, 2010.

Following discussion, Councilmember Leggett moved and Councilmember Redfern seconded that the Mayor be authorized to enter into said agreement with Mosaic for the above terms.

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

2) The Director of Public Works advised that Olsson Associates will install the required passive vent and methane gas well project at a cost not to exceed \$65,900.

Councilmember Leggett moved and Councilmember Obermier seconded that the Mayor be authorized to enter into an agreement with Olsson Associates.

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

3) Finance Committee Chairman Redfern advised that representatives of the CDARS Program had met with the Finance Committee regarding entering into an agreement to participate in said program which allows the swapping of FDIC with other banks in the program for deposits over \$250,000. This will allow the local banks to possibly give the City a higher rate of interest on its CDs.

Following discussion, Councilmember Redfern moved and Councilmember Toms seconded to authorize the Mayor to enter into an agreement with CDARS.

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

APPROVE MAYOR'S APPOINTMENT

The Mayor announced his appointment of Todd Kirshenbaum to the Library Board for the unexpired term of Carol Withee. The Mayor thanked Carol for her service to the Board. .

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

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

APPROVE SPECIAL DESIGNATED PERMIT

Councilmember Obermier moved and Councilmember Brink seconded to recommend that the application for a Special Designated Permit filed by Tomes, LLC – Hunters Lounge to sell alcoholic beverages at the Cornerstone Event Center on May 22, 2010 for a wedding reception be approved.

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

ADJOURN INTO EXECUTIVE SESSION

The Mayor announced that the Council would be adjourning into Executive Session to discuss Fraternal Order of Police negotiations.

Councilmember Brink moved and Councilmember Mogul seconded to adjourn into Executive Session to discuss Fraternal Order of Police negotiations, the time being 8:22 o'clock p.m.

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

Councilmember Wolfe excused herself from the discussion and left the Council chambers.

Councilmember Leggett moved and Councilmember Mogul seconded to adjourn from Executive Session, the time being 8:35 o'clock p.m.

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

ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 8:36 o'clock p.m.

