

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
JUNE 5, 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 Mayor announced that the Open Meetings Act is posted on the East wall of the Council Chambers.

Present were: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Absent: None. Also present with 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 June 2, 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 Leggett moved and Councilmember Toms seconded that the Minutes of the May 15, 2008 meeting be approved.

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

APPROVE CLAIMS

Councilmember Redfern moved and Councilmember Obermier seconded that the claims for the period May 23, 2008 through June 5, 2008 be approved.

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

CITY ADMINISTRATOR REPORT

The City Administrator reported that (1) Water System Revenue Refunding Bonds will close on July 9, 2008 in the amount of \$2,405,000; (2) that he and Jon Strong had not met to finalize Jon's TIF application; (3) last Tuesday the City and Department of Roads met regarding work on the Lincoln Avenue underpass – work on the project will start no sooner than July 7th; (4) Kirkham, Michael's work on the quiet zones is progressing and Kirkham, Michael will give a report to the Council sometime in July; and (5) through the tire amnesty program 7022 tires were collected.

**APPROVE TAX INCREMENT
FINANCING APPLICATION**

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

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

An application filed by Tom Mason, Mason Enterprises, Inc. d/b/a Kirk's Korner was presented to

the Council. Tom & Ruth Mason were present in support of the application, stating that they have purchased the building south of Kirk's Korner at auction for the sum of \$20,000. They have contracted with Wyad to demolish the building as soon as the C & D site at the landfill is operational. Their proposal is to construct a retaining wall and fence along the alley to the west and concrete the lot. They also propose to construct a 3500-4000 square foot building to house two or three businesses, one of which they will operate a wine and martini bistro. They will have no kitchen but will serve salads, fruits, cheeses, breads and unique cold meat cuts, etc. The City Administrator reported that the site development, retaining wall and fence, concrete paving, utility hookups and upgraded building façade are expenditures within the TIF guidelines. The City Administrator reported that the TIF Advisory Group met and recommended 12% of the total project costs with a cap of \$82,000.00.

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

RESOLUTION NO. 2008-9

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 site development, water and wastewater service lines, concrete parking lot, retaining wall and fencing, and building façade costs (upgraded façade, i.e. brick, stucco, etc) filed by Mason Enterprises, Inc. d/b/a Kirk's Korner in the amount of 12% of the total costs of the project with a cap of \$82,000.00 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; Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. Nays: None. Motion Carried.

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

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

APPROVE AGREEMENT

Councilmember Mogul moved and Councilmember Obermier seconded that the Mayor be authorized to enter into an agreement with Kirkham, Michael for Professional Engineering Construction Phase Services for Paving District No. 08-1 for an amount not to exceed \$9,900.00

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

APPROVE SPECIAL DESIGNATED PERMIT APPLICATIONS

Councilmember Leggett moved and Councilmember Brink seconded that an application filed by P K Leach LLC to sell alcoholic beverages in the Cornerstone Event Center for a reception on June 7, 2008 be recommended for approval.

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

Councilmember Redfern moved and Councilmember Brink seconded that an application filed by JW's Catering & Concessions Co. to sell alcoholic beverages in the Cornerstone Event Center for a reception on June 15, 2008 be recommended for approval.

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

ADJOURNMENT

There being no further business to come before the Council, Councilmember Redfern moved and Councilmember Mogul seconded that the meeting be adjourned, the time being 7:23 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor