

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
JULY 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 and North. Absent: Leggett and Brink. . 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 July 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 Mogul moved and Councilmember North seconded that the Minutes of the July 1, 2010 meeting be approved.

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

**REPORTS**

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

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

**FUND BALANCES AND BUDGET COMPARISON**

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

Roll Call Vote: Ayes: Redfern, Toms, Wolfe, Obermier, Mogul and North. Nays: None. Absent & Not voting: Leggett and Brink. 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 \$846.14 be approved and paid. .

Roll Call Vote: Ayes: Redfern, Toms, Wolfe, Obermier, and Mogul. Nays: None. Absent & Not voting: Leggett and Brink. Councilmember North declared a Conflict of Interest inasmuch as he is the owner of North Office Supply . and abstained from voting. Motion Carried.

**CLAIMS**

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period July 2, 2010 through July 15, 2010 be approved and paid.

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

#### REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Mogul seconded that the City Clerk/Treasurer be directed to register warrant payable to Kirkham, Michael in the amount of \$15,513.72 for the Nebraska Avenue Project.

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

#### DIRECTOR OF PUBLIC WORKS REPORT

The Director of Public Works reported that: 1) that the well field project is proceeding well – the well houses have most of the walls up; 2) the transmission lines are ready for inspection by Health & Human Services and then will be ready to be put into service; 3) Nebraska Avenue is in motion – water line to 1<sup>st</sup> Street is installed; and 4) the concession stand in East Hill Park is progressing and at this time the contractor has not advised that he will need an extension of time.

#### PUBLIC HEARING

The Mayor announced that this was the time and place set for a public hearing on a preliminary and final plat of Karashow Ridge 1<sup>st</sup> Subdivision and the City Clerk read the required legal notice. Aaron Schardt was present and advised he is purchasing this area and will be building a home on Lot 1. The Director of Public Works advised that the plat meets the land subdivision regulations and that the Planning Commission had recommended approval of the plat.

Councilmember Obermier moved and Councilmember North seconded that the inclusion plat be approved.

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

#### COMMENTS REGARDING A RAILROAD QUIET ZONE

Robert Rains of 1225 N Lincoln was present and advised the Council that he lives close to the tracks and the trains are blowing their whistles and leaning on their horns both day and night. He advised that the Obama administration says that the railroads must place the horns at the crossings and not the City. Jerry Klone also talked about the whistles and horns being sounded all the way through York day and night. Rhonda Rich of 1018 Blackburn advised that the railroad will do nothing and that the City needs to address the issue and that the citizens deserve a better quality of life. LeRoy Vanicek 1919 Grant advised that he has seen signs posted in Arizona that state “horns will not be blow at this crossing” and wonders if the City could impose the same regulations; Jim Hoffman, 1820 Grant advised that he works at the Coop and the horns at that location are deafening. A letter was presented from Harold Anderson 1810 Grant regarding the noise levels. Ron Cloyd of Harre Lane asked when something will get done. The City Administrator advised that the Department of Transportation has ruled that for safety 1) the noise from the horns must be louder (Federal regulation) – 2) the crossing may be removed – 3) use a directional horn or 4) install a median. He advised that a study has been prepared addressing the crossings at the Coop – Delaware Avenue, Blackburn Avenue, Division Avenue and “L” Road and that the solutions would be: 1) a median installed at the Coop crossing; 2) a median at the Delaware crossing; 3) a median and realign 19<sup>th</sup> Street at the Blackburn crossing; 4) directional horns at Division crossing and 5) maybe abandon the “L” Road crossing. He further advised that the work on 19<sup>th</sup> Street must be accomplished first and that all five crossing must be done at one time to qualify for Federal funds,

#### APPROVE CDBG APPLICATION AND SETTING PUBLIC HEARING DATE ON THE SAME.

Dave Taladay of Southeast Nebraska Development District was present and advised that the deadline to file an application for a citywide housing rehabilitation program is July 31, 2010. The marketing project to see if a critical number of homeowners might be interested has resulted in 25 preapplication forms from apparent eligible homeowners.

Councilmember Toms moved and Councilmember Redfern seconded to proceed with the project and set a

public hearing at 5:00 o'clock p.m. on July 26, 2010 for said matter.

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

#### APPROVE SPECIAL DESIGNATED PERMIT APPLICATIONS

1) Mark Jensen, representing the York Sports Authority, was present seeking approval of a Special Designated Permit Application to sell alcoholic beverages at the Cornerstone Event Center on August 23, 2010 to raise money for the Sports Authority and the York High School Band and advised that this will be their 15<sup>th</sup> annual steak fry for said event.

Councilmember Mogul moved and Councilmember Obermier seconded to recommend approval of said application.

Roll Call Vote: Ayes: Redfern, Wolfe, Obermier, Mogul and North. Nays: Toms. Absent & Not voting: Leggett and Brink. Motion Carried

2) Jan Hurlbut on behalf of Sunset Bowl, was present seeking approval of a Special Designated Permit Application to hold their annual beer garden (which will be fenced in) and karaoke event on licensed premises on July 24, 2010 and advised that said event will end at 12:00 midnight.

Councilmember Obermier moved and Councilmember Wolfe seconded to recommend approval of said application.

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

#### RELEASE TIF PROJECT

The City Administrator reported that the TIF loan on the Lincoln Place project had been paid in full and recommended the release of said project.

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

#### RESOLUTION NO. 2010-20

WHEREAS, The Mayor and City Council, acting as the Community Development Agency, 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 area adjacent to and including the site proposed by Lincoln Place, L.L.C. Redevelopment Project the eventual consideration of entering into an agreement with the subject developer for Tax Increment Financing; and

WHEREAS, the Mayor and City Council, acting as the Community development Authority, entered into a Redevelopment contract between the Community Redevelopment Authority of the City of York, Nebraska and Lincoln Place, L.L.C. on November 1, 1996, for the use of Tax Increment Financing on Lots 1, 2, 3, 6 and 7 and the vacated alley between Lots 4, 5 and 6, Block 63, Original Town, City of York, York County, Nebraska; and

WHEREAS, The Mayor and City Council, executed a note with Cornerstone Bank in the principal amount of \$71,000.00 on November 1, 1996 for said above referenced project; and

WHEREAS, the loan to Cornerstone Bank has been paid in full for said note dated November 1, 1996  
NOW

THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of York, Nebraska:

That the tax increment financing project known as Lincoln Place L.L.C. be declared complete; that all loans and/or liabilities have been paid in full; that the City Clerk be directed to notify the County Assessor and County Treasurer of said release and completion of said Tax Increment Financing Project.

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

#### DISCUSS LABOR NEGOTIATIONS

Councilmember Redfern moved and Councilmember Mogul seconded that the Council adjourn into Executive Session to discuss labor negotiations, the time being 7:40 o'clock p.m.

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

The Mayor announced that the Council was going into Executive Session to discuss labor negotiations.

Councilmember Obermier moved and Councilmember Toms seconded that the Council adjourn from Executive Session, the time being 7:50 o'clock p.m.

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

#### ADJOURNMENT

There being no further business to come before the meeting, The Mayor adjourned the meeting, the time being 7:50 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles Harris, Mayor