

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
SEPTEMBER 18, 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 President of the Council announced that the Open Meetings Act is posted on the East Wall of the Council Chambers.

**ROLL CALL**

Present were: Councilmembers: Leggett, Redfern, Toms, Wolfe, Obermier, Mogul and North. Also present were the City Clerk, and Director of Public Works.

Notice of this meeting was given in advance thereof by publication in the York News Times on September 15, 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 Mogul moved and Councilmember Obermier seconded that the Minutes of the August 7, 2008 meeting be approved.

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

**REPORTS**

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

**FUND BALANCES**

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

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

**APPROVE ELECTED OFFICIALS' CLAIMS**

Councilmember Obermier moved and Councilmember Wolfe seconded that the claim of Cy North for North Office Supply in the amount of \$2,487.37 and York Printing Co. in the amount of \$291.71 be paid.

Roll Call Vote: Ayes: Leggett, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: Brink. 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 Obermier moved and Councilmember Mogul seconded that the claims for the period September 5, 2008 through September 18, 2008 be approved.

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

Approve Registered Warrants

Councilmember Obermier moved and Councilmember Toms seconded that the City Clerk/Treasurer be directed to register warrants payable to Kirkham, Michael as follows: \$3,749.24 for Karashaw Paving District No. 07-1; \$5,582.62 for Peters Sunrise Estates Paving Districts 07-2 and 07-3; and \$2,410.77 for 10<sup>th</sup> Street Paving District 08-1; and Warrant payable to A & R Construction in the amount of \$3,616.46 for 10<sup>th</sup> Street Paving District 07-1.

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

CREATE LIMITED COMMUNITY  
REDEVELOPMENT AUTHORITY

The City Clerk advised that Councilmember Mogul has applied for TIF funds and due to the fact that the City Council is the Community Redevelopment Authority, and Councilmember Mogul is a member thereof, the Authority cannot approve a member's request for said funds. He advised that a Limited Community Redevelopment Authority must be created for this project only and the Mayor will appoint a five person authority.

ORDINANCE NO. 20011

AN ORDINANCE TO CREATE A LIMITED COMMUNITY REDEVELOPMENT AUTHORITY;  
TO REPEAL 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. 2011 be suspended.

Roll Call Vote: Ayes: Leggett, Redfern, Toms, Wolfe, Obermier and North. Nays: None. Abstain: Councilmember Mogul declared a conflict of interest and refrained from voting. Absent & Not Voting: Brink. 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 Leggett seconded that Ordinance No. 2011 be passed and adopted.

Roll Call Vote: Ayes: Leggett, Redfern, Toms, Wolfe, Obermier and North.. Nays: None. Abstain: Councilmember Mogul declared a conflict of interest and refrained from voting. Ordinance No. 2011 was declared adopted.

The Mayor presented his appointments to the Limited Redevelopment Authority as: Matt Leif, Sally Ruben, Patty Vincent, Bob Hose and Mike Renken.

APPROVE TIF APPLICATION

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

Roll Call Vote: Ayes: Leggett, Redfern, Toms, Wolfe, Obermier and North. Nays: None. Abstain: Councilmember Mogul declared a conflict of interest and refrained from voting. Motion Carried.

An application filed by JMP, LLC (Jim Peterson) was presented to the Council. Mr. Peterson was present seeking TIF funds in the amount of \$45,000 for land acquisition and site development. Councilmember Leggett advised that the TIF Advisory Group had met with Mr. Peterson and advised

that inasmuch as he is only building on one of the two lots he is acquiring, only the one lot at \$25,000 could be considered for TIF – that would leave the total project at \$200,000 and the Advisory Group had recommended 15% of the project for a total of \$30,000. Mr. Peterson advised that he concurs the \$30,000 figure.

Following discussion, Councilmember Leggett moved and Councilmember Wolfe seconded that the following Resolution be adopted:

BEFORE THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA

RESOLUTION NO. 2008-16

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 and land acquisition filed by JMP, LLC in the amount of \$30,000.00 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: Leggett, Redfern, Toms, Wolfe, Obermier and North. Nays: None. Abstain: Councilmember Mogul declared a conflict of interest and refrained from voting: Absent & Not Voting: Brink. Motion Carried.

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

Roll Call Vote: Ayes: Leggett, Redfern, Toms, Wolfe, Obermier and North. Nays: None. Abstain: Councilmember Mogul declared a conflict of interest and refrained from voting: Absent & Not Voting: Brink. Motion Carried.

APPROVE SPECIAL DESIGNATED PERMIT APPLICATION

Councilmember Leggett moved and Councilmember North seconded that an application filed by Tomes, LLC d/b/a Hunters Restaurant, Lounge & Keno to sell alcoholic beverages at the Cornerstone Event Center for a wedding reception on October 4, 2008 be recommended for approval.

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

APPROVE AGREEMENT

\_\_\_\_\_The Director of Public Works advised that it now a requirement of NDEQ to treat wastewater for e-coli.

Following discussion, Councilmember Leggett moved and Councilmember Obermier seconded that the Mayor be authorized to enter into an Agreement for Professional Engineering Services for a Wastewater Disinfection Study.

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

## ADJOURNMENT

There being no further business to come before the Council, Leggett moved and Mogul seconded to adjourn the meeting, the time being 7:15 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor