

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
OCTOBER 2, 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: Mayor Charles Harris; Councilmembers: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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 September 29, 2008. 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 Toms moved and Councilmember Leggett seconded that the Minutes of the September 18, 2008 meeting be approved.

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

**CLAIMS**

Councilmember Redfern moved and Councilmember Wolfe seconded that the claims for the period of September 19, 2008 through October 2, 2008 be approved and paid.

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

**CITY ADMINISTRATOR REPORT**

The City Administrator reported (1) he and the Director of Public Works had attended a hearing on the eminent domain proceedings on four properties in the proposed well field; and (2) that there are high methane levels in the wells at the landfill and administrative a contract will be entered into with Olsson Associates at a total cost of \$19,340 to monitor the test wells and report.

**INTRODUCTIONS**

- (1) Brian Leggett introduced Stewart Sikes, Director of York County Development Corporation.
- (2) The City Administrator introduced Gary Petersen, York County Emergency Manager.

**APPROVE REPORT FROM EXCEL DEVELOPMENT**

The City Administrator briefly discussed the "New Neighborhoods Development Plan" prepared by Excel Development.

Councilmember Redfern moved and Councilmember Obermier seconded that the report be approved as presented.

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

SALARY CORRECTIONS

(1) The City Administrator advised that Resolution No. 2008-15 was incorrect.

Councilmember Leggett moved and Councilmember Mogul seconded to rescind said Resolution No. 2008-15.

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

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

RESOLUTION NO. 2008-17

BE IT RESOLVED that the Mayor and City Council of the city of York, Nebraska, hereby fix and prescribe job classifications, pay grades and set maximum wage levels at step 7 of the Pay Range Schedule to become effective on September 29, 2008, pursuant to authority granted in Ordinance No. 2010 of the City of York. BE IT FURTHER RESOLVED that the 2008-2009 Budget include funds required to defray these salary adjustments.

Title	Pay Grade	Title	Pay Grade
Account Clerk	31.5		
* Airport Operations Manager	44.0	*Library Director	44.5
Airport Attendant	36.0	*Librarian	37.0
Animal Control Officer	22.0	Library Assistant I	26.0
Building Inspector	41.0	Library Assistant II	30.0
* City Administrator	56.0	Maintenance Worker I	32.0
* City Attorney	46.0	Maintenance Worker II	34.0
* City Clerk/Treasurer	45.0	Maintenance Worker III	36.0
Clerk Typist I	26.0	Plant Operator I-Wastewater	33.0
Clerk Typist II	28.0	Plant Operator II-Wastewater	37.0
* Communications Director	41.0	Plant Operator III – Wastewater	39.0
Crafts Supervisor	30.0	Plant Superintendent – Wastewater	44.0
Custodian Supervisor	36.0	*Police Chief	51.0
Custodian I	29.0	Police Lieutenant	P-3
Custodian II	33.0	Police Sergeant	P-2
Dispatcher	32.0	Police Officer	P-1
Dispatcher, Chief	35.0	*Parks and Recreation Director	45.5
Equipment Mechanic	37.0	*Public Works Director	52.5
* Finance Officer	42.0	*Public Works Superintendent	44.0
* Fire Chief	51.0	*Recreation Coordinator	35.5
Fire Captain	F-4	Secretary I	30.0
Fire Medic 1	F-1	Secretary II	32.0
Fire Medic 2	F-2	Solid Waste Receiving Center Supt	38.0
Fire Medic 4	F-3	*Staff Engineer	45.0
Foreman I	38.0	Support Services Officer	31.0
Foreman II	41.0	System Operator I – Water	34.0
Laborer	30.0	System Operation II – Water	38.0
Landfill Operator	36.0	Utilities Account Clerk	34.0

(\*denotes exempt employee)

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

Motion Carried.

AMEND PORTIONS OF CHAPTER 16,  
GARBAGE AND TRASH

The City Administrator advised that there has not been an increase in garbage tipping fees at the York Area Solid Waste Agency Landfill since 1999 and that it is necessary to set fees for the Construction and Demolition site. Following discussion, the following Ordinance was introduced:

ORDINANCE NO. 2012

AN ORDINANCE TO AMEND CHAPTER 16, GARBAGE AND TRASH OF THE YORK CITY CODE, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

Councilmember Leggett moved and Councilmember Redfern seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2012 be suspended.

Roll Call Vote: Ayes: Brink, Redfern, Toms, Wolfe, Obermier, Mogul, North and Leggett. 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 Obermier seconded that Ordinance No. 2009 be passed and adopted.

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

APPROVE PENSION PLAN AMENDMENTS

The City Administrator reported on necessary amendments required for tax-qualified retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, certain changes under the Pension Protection Act of 2006 and all other laws enacted since the Plans were last amended as such laws apply to government plans and to the City's pension plans.

1) Councilmember Obermier moved and Councilmember Brink seconded that the following Resolution be adopted:

RESOLUTION NO 2008-18

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA.

1. That in order to adopt the amendments required for tax-qualified retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, certain changes under the Pension Protection Act of 2006, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans, and to make certain other amendments to the City of York, Nebraska Firefighters' Pension Plan (the "Plan") as required by applicable tax laws and regulations, the Plan shall be, and it hereby is, amended and restated effective January 1, 2008 in the form of the Plan document submitted at this meeting and by this reference made a part of this resolution.
2. That the Mayor and appropriate officers of the City of York shall be, and they hereby are, authorized to do any and all things, including the execution of any document or amendment which may be necessary or appropriate to establish and administer the amended and restated Plan, including such actions as may be necessary or appropriate to achieve and maintain the tax qualification of the amended and restated Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

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

2) Councilmember Brink, moved and Councilmember Toms seconded that the following Resolution be adopted:

RESOLUTION NO. 2008-19

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA:

1. That in order to adopt the amendments required for tax-qualified retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, certain changes under the Pension Protection Act of 2006, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans, and to make certain other amendments to the City of York, Nebraska Police Retirement Plan and Trust (the "Plan") as required by applicable *tax* laws and regulations, the Plan shall be, and it hereby is, amended and restated effective January 1, 2008 in the form of the Plan document submitted at this meeting and by this reference made a part of this resolution:
2. That the Mayor and appropriate officers of the City of York shall be, and they hereby are, authorized to do any and all things, including the execution of any document or amendment which may be necessary or appropriate to establish and administer the amended and restated Plan, including such actions as may be necessary or appropriate to achieve and maintain the tax qualification of the amended. and restated Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

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

3) Councilmember Leggett moved and Councilmember Wolfe seconded that the following Resolution be adopted:

RESOLUTION NO. 2008-20

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YORK, NEBRASKA:

Adoption of Amendment. and Restatement of the City of York, Nebraska. Defined Contribution Retirement Plan

NOW, BE IT RESOLVED, that effective October 1, 2008, the City shall, and it hereby does adopt, an amendment and restatement of the City of York, Nebraska Defined Contribution Retirement Plan (the "Plan") in the form of the Plan document attached hereto and by this reference fully incorporated herein, The purpose of said amendment and restatement of the Plan is to:

- 1) comply with all provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, certain changes under the Pension Protection Act of 2006, and all other tax laws enacted since the Plan was last amended, as such laws apply to. government plans;
- 2) make such other changes as determined to be necessary and appropriate by the City.

NOW, THEREFORE, it is:

RESOLVED, that the City confirms and. ratifies the City shall, until this resolution is repealed or superseded, assume and pay the mandatory contributions made by each employee to the Plan as a pick up contribution pursuant to Section 414(h) of the Internal Revenue Code, and the contributions so picked up shall be treated as employer contributions in determining federal and state income tax treatment of such amounts;

FURTHER RESOLVED, that such pick up contributions by the City shall be made through a reduction in the participating employee's salary or wage as authorized under the Plan, and in no event shall any employee

participating in the Plan be entitled, or be given an option to receive, the picked up contribution in cash or in any other form of remuneration in lieu of having such contribution being directly paid to the Plan; and

FURTHER RESOLVED, that to the extent necessary or proper, this resolution shall be deemed an amendment to the Plan, and all participating employees shall, as a condition to their participation in the Plan be deemed to have consented to the reduction of their salary or wage for direct contribution to the Plan within the meaning of Section 414(h)(2) of the Internal Revenue Code of 1980,

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of York shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of the amended and restated Plan document and any other documents or amendments which may be necessary or appropriate for this amendment and the administration of the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

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 Obermier moved and Councilmember Leggett seconded that the meeting be adjourned, the time being 7:33 o'clock p.m.

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

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor