

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
MARCH 4, 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.

Present were: North, Leggett, Brink, Redfern, Toms, Wolfe, and Obermier. Absent: Mogul. 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 March 1, 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 Leggett moved and Councilmember Redfern seconded that the Minutes of the February 18, 2010 meeting be approved.

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

**APPROVE CLAIMS**

Councilmember North moved and Councilmember Redfern seconded that the claims for the period February 18, 2010 through March 4, 2010 be approved.

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

**APPROVE ELECTED OFFICIALS CLAIMS**

1) Councilmember Redfern moved and Councilmember Toms seconded that the claim for Councilmember North for North Office Supply in the amount of \$380.65 and York Printing Co. in the amount of \$51.80 be approved.

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

2) Councilmember Redfern moved and Councilmember Brink seconded that the claim for Councilmember Mogul in the amount of \$62.00 for League of Municipalities meeting expense be approved.

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

3) Councilmember Redfern moved and Councilmember Brink seconded that the claim of Councilmember Wolfe in the amount of \$100.68 for League of Municipalities meeting expense be approved.

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

4) Councilmember Redfern moved and Councilmember Brink seconded that the claim of Randy Obermier in the amount of \$62.00 for League of Municipalities meeting expense be approved.

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

5) Councilmember Redfern moved and Councilmember Brink seconded that the claim of Charles Harris in the amount of \$62.00 for League of Municipalities meeting expense be approved.

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

### CITY ADMINISTRATOR REPORT

The City Administrator advised that he had received a letter from Pioneer seeking approval to extend the City's water distribution system approximately 1.4 miles along US Highway 34 to their site with a 10" main at their expense. After completion, they would turn the main over to the City for full ownership, operation and maintenance. They have engaged Kirkham, Michael to complete a water preliminary engineering report.

### APPROVE PENSION PLAN AMENDMENTS

The City Administrator reported that periodically plans must be updated to incorporate all Internal Revenue regulations to retain the tax-qualified retirement plan status. These amendments do not change any benefits or contributions by employees or the City.

a) Councilmember Toms moved and Councilmember Leggett seconded that the following Resolution be adopted, amending the City of York, Nebraska Police Retirement Plan and Trust:

### RESOLUTION NO. 2010-5

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

1. That in order to adopting the amendments required for tax-qualified retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008, 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 effective January 1, 2010 in the form of the Amendment 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 Plan, including such actions as may be necessary or appropriate to achieve and maintain the tax qualification of the Plan under Section 401(1) of the Internal Revenue Code of 1986, as amended.

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

b) Councilmember Leggett moved and Councilmember Obermier seconded that the following Resolution be adopted amending the City of York, Nebraska Firefighters' Pension Plan and Trust:

RESOLUTION NO. 2010-6

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

1. That in order to adopting the amendments required for tax-qualified retirement plans under the Pension Protection Act of 2006, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008, 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 effective January 1, 2010 in the form of the Amendment 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 Plan, including such actions as may be necessary or appropriate to achieve and maintain the tax qualification of the Plan under Section 401(1) of the Internal Revenue Code of 1986, as amended.

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

c) Councilmember Obermier moved and Councilmember Wolfe seconded that the following Resolution be adopted amending the City of York, Nebraska Defined Contribution Retirement Plan:

RESOLUTION NO. 2010-7

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

Adoption of Amendment to the City of York, Nebraska Defined Contribution Retirement Plan:

NOW, BE IT RESOLVED, that effective January 1, 2010, the City shall, and it hereby does adopt an amendment to the City of York, Nebraska Defined Contribution Retirement Plan (the "Plan") in the form of the amendment document attached hereto and by this reference fully incorporated herein. The purpose of said amendment of the Plan is to:

1. Comply with all of the required changes for tax-qualified retirement plans, under the Pension Protection Act of 2006, the Heroes Earnings Assistance and relief Tax Act of 2008, and the Worker, Retiree and Employer Recovery Act of 2008, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans;
2. Make clarification changes to the Plan's Entry Date and the conditions for receiving an allocation of Employer Contributions to the Plan; and
3. Make such other changes as determined to be necessary and appropriate by the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City confirms and ratifies that 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor and other appropriate elected

official 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 Plan amendment document and any other documents or amendments which 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: North, Leggett, Brink, Redfern, Toms, Wolfe and Obermier. Nays: None. Absent & Not Voting: Mogul. Motion Carried

#### AWARD BIDS

1) East Hill Park Concession Stand and Restroom Facility:

Councilmember Brink moved and Councilmember Leggett seconded that the low bid of Rogge General Contractors, Inc. be accepted, as follows: a) Base bid in the amount of \$298,000.00; b) Sod Unit Price of \$2.70/sq yd; c) Paving Unit Price of \$3.40/sq ft; and d) option to the City to add Alternate No. 1 – front cabinet doors.

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

2) 5000 Gallon Vacuum Manure Spreader and tool bar:

Councilmember Brink moved and Councilmember Obermier seconded that the bid of Advanced Agri-Direct (USA), Inc. for a 5000 gallon vacuum manure spreader in the amount of \$49,223.00 and a Nuhn/Dietrich tool bar in the amount of \$15,240.00 be accepted.

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

3) Runway 17/35 Lighting, Runway 35 PAPI Beacon and Wind Cove:

Councilmember Obermier moved and Councilmember Leggett seconded that the low bid of Kayton Electric in the amount of \$183,520,55 for the total Base Bid – Sections 1,2 and 3 be accepted, subject to approval by the Nebraska Department of Aeronautics.

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

#### RESOLUTION OF SUPPORT

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

#### RESOLUTION NO. 2010-8

WHEREAS, local municipal government, county government, and regional economic development entities must provide leadership and coordination for economic development efforts; and

WHEREAS, economic development needs can best be solved through a cooperative effort between local, county, regional and state economic development organizations and entities; and

WHEREAS, there is a need to recognize and promote our community's organizational readiness, infrastructure investment, ability to respond to business needs; and

WHEREAS, the Economic Development Certified Community Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a program promoting our community's economic development preparedness; NOW

THEREFORE, the Mayor and City Council of the City of York, Nebraska do herewith pledge their full support, endorsement and cooperation for participation in Nebraska's Economic Development Certified Community Program by the City of York.

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

APPROVE AMENDMENT NO. 4

Councilmember Leggett moved and Councilmember Brink seconded that Amendment No. 4 with Kirkham, Michael for Design Engineering and Right of Way Services for Nebraska Avenue – 14<sup>th</sup> Street to Beaver Creek Project be approved.

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

ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 7:29 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor