

**REGULAR MEETING  
CITY COUNCIL, YORK, NEBRASKA  
SEPTEMBER 3, 2009**

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

Notice of this meeting was given in advance thereof by publication in the York News Times on August 31, 2009. 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 Wolfe seconded that the Minutes of the August 20, 2009 meeting be approved.

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

**APPROVE ELECTED OFFICIALS CLAIMS**

1) Councilmember Redfern moved and Councilmember Mogul seconded that the claim of Cy North for North Office Supply in the amount of \$76.58 and York Printing Co. in the amount of \$384.25 be approved and paid.

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

2) Councilmember Redfern moved and Councilmember Toms seconded that the claim of Ron Mogul, Jr. for Mogul's Transmissions, Inc., in the amount of \$130.00 be approved and paid.

Roll Call Vote: Ayes: Wolfe, Obermier, North, Leggett, Brink, Redfern and Toms. Councilmember Mogul declared a conflict of interest inasmuch as he is an owner of Mogul's Transmission, Inc. . and abstained from voting. Nays: None Motion Carried.

**CLAIMS**

Councilmember Redfern moved and Councilmember Mogul seconded that the claims for the period of August 21, 2009 through September 3, 2009 be approved and paid.

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

**APPROVE REGISTERED WARRANT**

Councilmember Redfern moved and Councilmember Obermier seconded that the City Clerk-Treasurer be authorized to a warrant payable to MSMSS Rogge Enterprises, Inc. in the amount of \$56,475.35 for water improvements.

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

### CITY ADMINISTRATOR'S REPORT

The City Administrator advised that Rogge has completed the water improvements in northwest York and has started on Edison Avenue.

### APPROVE 2009-2010 BUDGET

The Mayor announced that this was the time and place set for a public hearing on the City's 2009-2010 Budget, and the City Clerk read the legal notice published in the York News Times.

1) Councilmember Redfern moved and Councilmember North seconded that the 2009-2010 Budget be approved.

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

2) Following discussion, Councilmember Leggett moved and Councilmember Obermier seconded that the following Resolution be adopted:

### RESOLUTION NO. 2009-14

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL of the City of York, Nebraska:

That the City of York, Nebraska, has determined the necessity to amend the preliminary property tax rate as certified by the York County Clerk.

That the Mayor and City Council have published notice of a public hearing called for the purpose of receiving testimony on such proposed amendment as provided for in Section 55 of L.B. 693 of the 94th Legislative Second Session.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of York, Nebraska, do hereby determine the necessity to amend the preliminary property tax rate, the amended rate to be determined after the budget documents are prepared.

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

3) Councilmember Brink moved and Councilmember Mogul moved that the following resolution be adopted:

### RESOLUTION NO. 2009-15

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of York passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of York that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of York, b a majority vote, resolves that:

- (1) The 2004-2005 property tax request be set at \$0.137076

- (2) A copy of this Resolution be certified and forwarded to the County Clerk on or before September 20, 2009/

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

4) Councilmember Toms moved and Councilmember Redfern seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2025 be suspended.

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

#### ORDINANCE NO. 2025

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL, TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITIES TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Leggett moved and Councilmember Brink seconded that Ordinance No. 2025 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Ordinance No 2025 was declared adopted.

#### APPROVE PAY INCREASES

1) Councilmember Leggett moved and Councilmember Mogul seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2026 be suspended.

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

#### ORDINANCE NO. 2026

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA, AMENDING A PORTION OF SECTION 2, CHAPTER 2 ADMINISTRATION OF THE YORK MUNICIPAL CODE, REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE. .

Councilmember Toms moved and Councilmember Obermier seconded that Ordinance No 2026 be passed and adopted.

Roll Call Vote: Ayes: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None. Ordinance No 2026 was declared adopted

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

#### RESOLUTION No. 2009-16

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 28, 2009, pursuant to authority granted in Ordinance No. 2026 of the City of York. BE IT FURTHER RESOLVED that the 2009-2010 Budget include funds required to defray these salary adjustments.

Title	Pay Grade	Title	Pay Grade
Account Clerk	31.5		
Airport Attendant	36.0	*Library Director	44.5
* Airport Operations Manager	44.0	*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	49.0
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	49.0	*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: Wolfe, Obermier, Mogul, North, Leggett, Brink, Redfern and Toms. Nays: None.  
Motion Carried.

#### APPROVE MAYOR'S APPOINTMENTS

1) The Mayor announced his appointment of Darroll Loschen as an Alternate Member of the Personnel Board.

Councilmember Mogul moved and Councilmember Brink seconded that the appointment be approved

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

2) The Mayor announced his re-appointment of Sherry Beins to the York Housing Authority for a five year term terminating November 1, 2014.

Councilmember Toms moved and Councilmember Wolfe seconded that the appointment be approved.

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

3) The Mayor announced his re-appointment of Jon Brouillette to the civil Service Commission for a six year term terminating November 1, 2015.

Councilmember Obermier moved and Councilmember Redfern seconded that the appointment be approved.

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

4) The Mayor announced his re-appointment of Ross Ronne to the Board of Adjustment for a three year term terminating September 1, 2012.

Councilmember Toms moved and Councilmember Obermier seconded that the appointment be approved.

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

5) The Mayor announced his appointment of Larry Mertens to the Board of Adjustment for a three year term terminating September 1, 2012..

Councilmember Brink moved and Councilmember Mogul seconded that the appointment be approved.

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

6) The Mayor announced his appointment of Barbara Skaden to the Planning Commission for a term terminating November 1, 2011.

Councilmember Brink moved and Councilmember Leggett seconded that the appointment be approved.

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

#### ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 7:17 o'clock p.m.

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C. Jean Thiele, City Clerk

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Charles W. Harris, Mayor