

**REGULAR MEETING
CITY COUNCIL, YORK, NEBRASKA
SEPTEMBER 4, 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: Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Absent: North. 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 August 30, 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 Leggett moved and Councilmember Brink seconded that the Minutes of the August 21, 2008 meeting be approved.

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

CLAIMS

Councilmember Redfern moved and Councilmember Toms seconded that the claims for the period of August 21, 2008 through September 4, 2008 be approved and paid.

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

REGISTERED WARRANT

Councilmember Redfern moved and Councilmember Toms seconded that the City Clerk be directed to register a warrant payable to A & R Construction Co. in the amount of \$280,326.63 for Paving Districts 07-1, 07-2, and 07-3.

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

PUBLIC HEARINGS

(1) At 7:00 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on an application filed by J. D. Hirschfield & Sons to move a grain bin onto the Northeast Quarter of Section 13, Township 11 North, Range 3 West and the City Clerk read the required legal notice. Ross Hirschfield was present in support of the application. The Director of Public Works advised that the property is zoned A-L and this usage meetings the zoning regulations.

Councilmember Obermier moved and Councilmember Toms seconded that the application be approved,

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

(2) At 7:00 o'clock p.m. the Mayor announced that this was the time and place set for a public hearing on the acquisition of real estate by the City of York for the purpose of constructing a protected well field, legally described as: Irregular Tract No, 23 in the West Half of the Northeast Quarter and all that part of the Northeast Quarter of Section 32, Township 11 North, Range 2 West of the 6th P.M. lying south and east of the center line of the right-of-way (now removed) of Chicago & Northwestern Railway Company, except Irregular Tracts 17 and 22 in York County, Nebraska, consisting of approximately 124 acres, more or less, and the City Clerk read the required legal notice. The City Attorney reported that the Kranz/Franzen property owners had agreed on the value of the appraisal.

Councilmember Leggett moved and Councilmember Redfern seconded that the Mayor be authorized to sign said Purchase Agreement.

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

APPROVE 2008-2009 BUDGET

The Mayor announced that this was the time and place set for a public hearing on the City's 2008-2009 Budget, and the City Clerk read the legal notice published in the York News Times.

1) Councilmember Redfern moved and Councilmember Mogul seconded that the Budget be approved.

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

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

RESOLUTION NO. 2008-13

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

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

RESOLUTION NO. 2008-14

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, by a majority vote, resolves that:

- (1) The 2008-2009 property tax request be set at \$0.137660
- (2) A copy of this Resolution be certified and forwarded to the County Clerk on or before September 20, 2008.

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

- 4) Adopt budget and appropriate Sums for the necessary expenditures and liabilities:

ORDINANCE NO. 2009

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 Toms seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2009 be suspended.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: North. 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 Brink moved and Councilmember Obermier seconded that Ordinance No. 2009 be passed and adopted.

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

PAY RANGE SCHEDULE

The City Administrator reported that the pay range schedule provides for a 3.75% increase in pay for all employees except the file and police.

ORDINANCE NO. 2010

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 Obermier moved and Councilmember Brink seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2010 be suspended.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: North. 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 Wolfe seconded that Ordinance No. 2010 be passed and adopted.

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

FIX JOB CLASSIFICATIONS, PAY GRADES AND SET MAXIMUM WAGE LEVELS

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

RESOLUTION 2008-15

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
Animal Control Officer	22.0	*Librarian	37.0
Building Inspector	41.0	Library Assistant I	26.0
* City Administrator	56.0	Library Assistant II	30.0
* City Attorney	46.0	Maintenance Worker I	32.0
* City Clerk/Treasurer	45.0	Maintenance Worker II	34.0
Clerk Typist I	26.0	Maintenance Worker III	36.0
Clerk Typist II	28.0	Plant Operator I-Wastewater	33.0
* Communications Director	41.0	Plant Operator II – Wastewater	37.0
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	40.0	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: Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: North. Motion Carried.

APPROVE AGREEMENTS

1) Councilmember Brink moved and Councilmember Redfern seconded that the Mayor be authorized to enter into an agreement with Kirkham, Michael for Professional Services for Water Distribution Main Design for an amount not to exceed \$27,900.00.

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

Not Voting: North. Motion Carried.

2) Councilmember Brink moved and Councilmember Redfern seconded that the Mayor be authorized to enter into an agreement with Kirkham, Michael for Professional Services for Wastewater Treatment Plant Improvement for improvements to the gas hold and to the headwork/inlet building, in an amount not to exceed \$38,900.00.

Roll Call Vote: Ayes: Leggett, Brink, Redfern, Toms, Wolfe, Obermier and Mogul. Nays: None. Absent & Not Voting: North. 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 7:20 o'clock p.m.

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

C. Jean Thiele, City Clerk

Charles W. Harris, Mayor