# REGULAR MEETING
# CITY COUNCIL, YORK, NEBRASKA
# SEPTEMBER 2, 2021
# 7:00 o'clock P.M.

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. at the Council Chambers

The Mayor announced that the Open Meetings Act is posted on the east wall of the Council Chambers.

ROLL CALL

Present were: Mayor Redfern. Councilmembers: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Absent: None.

Notice of this meeting was given in advance thereof by publication in the York News Times on August 27, 2021, 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 Wilkinson moved and Councilmember Hubbard seconded that the Minutes of the August 26, 2021 meeting be approved.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

CLAIMS OF ELECTED OFFICIAL

Councilmember Lones moved and Councilmember Wilkinson seconded that the claim of Tony North for North Printing and Office Supply Co. in the amount of $3,328.61 be approved and paid.

Roll Call Vote: Ayes: Sheppard, Wagner, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Councilmember North declared a conflict of interest inasmuch as he is the owner of North Printing and Office Supply and abstained from voting. Motion Carried.

CLAIMS

Councilmember Lones moved and Councilmember Wilkinson seconded that the claims for the period August 20, 2021 through September 2, 2021 be approved and paid.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

CITY ADMINISTRATOR REPORT

The City Administrator outlined covid protocol for the City due to the increase in covid cases.

APPROVE MANAGER OF YORK BOSSELMAN LIQUOR LICENSES

Kinsey Bosselman addressed the Council advising that the prior manager of the Bosselman locations in York had resigned and that is company policy to appoint someone in corporate as manager.

Councilmember VanEsch moved and Councilmember Hubbard seconded that Kinsey Bosselman be approved as manager of said Bosselman locations in York and an recommendation be made to the Liquor Control Commission.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays:

None. Motion Carried.

APPROVE PURCHASE OF TELEPHONE SYSTEM

Marty Walter, a representative of Central States Telecom, addressed the Council regarding a contract for the sale and installation of a new NEC phone system for the City. It was noted that a committee had met with various vendors regarding the replacement of the phone system over the past few months and it is their recommendation that Central States be selected.

Following discussion, Councilmember Pieper moved and Councilmember Hubbard seconded to approve the phone purchase from Central States Telecom.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS

Scott Keene of Piper/Sandler addressed the Council regarding the issuance of Highway Allocation Bonds, Series 2021B and Taxable Series 2021C for the improvement of several streets and Blackburn Avenue Bridge. He advised that these will be ten year bonds, Bonds will be issued in the amount of $5,155,000 for tax exempt bonds at a range of true interest costs of 1.10-1.40%. Bonds will be issued in the amount of $375,000 for taxable bonds at a range of true interest costs of 1.28-1.58%. Taxable bonds will be issued for the Blackburn Avenue bridge because federal funds were involved. Following discussion, the following ordinance was introduced:

ORDINANCE NO. 2297

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BO DS OF THE CITY OF YO RK, NEBRASKA, IN ONE OR MORE SERIES ON A TAXABLE OR TAX-EXEMPT BAS IS , IN THE PRINCIPAL AMOUNT OF UP TO FIVE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS ($5,750,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING CERTAIN STREET AND RELATED IMPROVEMENTS; AUTHORIZING OFFICERS OF THE CITY TO DESIGNATE THE FINAL TERMS OF SUCH BONDS WITHIN CERTAIN PARA MET ERS ; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BON DS; PROVIDING FOR THE LEVY AND COLLECTION OFT AXES TO PAY THE SAME IF NEC ESSARY ; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

Councilmember Hubbard moved and Councilmember Wilkinson seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2297 be suspended.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones, and VanEsch. Nays: None. Motion Carried.

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 Wilkinson moved and Councilmember North seconded that Ordinance No.2297 be passed and adopted.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkins. Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

.BOND ROAD PROJECT DESIGN PRESENTATION

Terry Brown of Benesch addressed the Council. He outlined the One & Six Year Street Improvement Plan as adopted by the Council and pointed out the streets that his firm has looked at and recommends improvements. He asked the Council to look over the list and let the City Administrator know of any changes they wish to add or remove. He advised the City has 76 lane miles – 9 miles of brick streets -15 miles of asphalt streets – 50 miles of concrete streets and 2 miles of miscellaneous (gravel etc). He then presented an outline of estimated bond spending for both the streets and Blackburn Avenue bridge.

PUBLIC HEARING TO CONSIDER AN APPLICAION FOR COMMUNITY DEVELOPMENT GRANT IN THE AMOUNT OF $445,000 FOR THE THIRD PHASE OF THE DOWNTOWN REVITALIZATION PROJECT

Tom Bliss of Southeast Nebraska Development District addressed the Council stating that the application for this grant was due in mid September and we have 7 pre-applications. The Mayor closed the public hearing.

Following discussion, Councilmember Lones moved and Councilmember Wilkinson seconded that the following Resolution be adopted:

**RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION**

**FOR CDBG FUNDS**

Whereas, the City of York, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and ,

Whereas, the City of York, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of $445,000.00 for a program used to eliminate slum and blight conditions on an area-wide basis, through commercial rehabilitation of privately owned properties , including activities such as facade improvements, and repairs necessary for correction of code violations; as well as any public infrastructure improvements needed for ADA compliance; and

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of York, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of York and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

APPROVE 2021-2022 BUDGET

Councilmember North moved and Councilmember VanEsch seconded to approve the 2021-2022.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

AMEND PRELIMINARY PROPERTY TAX RATE AS CERTIFIED BY THE COUNTY CLERK

Councilmember VanEsch moved and Councilmember Hubbard seconded that the following Resolution be adopted:

RESOLUTION NO. 2021-24

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: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

SET PROPERTY TAX REQUEST

Councilmember Wilkinson moved and Councilmember Hubbard seconded that the following Resolution be adopted:

RESOLUTION 2021-25
SETTING THE PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that Governing Body of the City of York passes by a majority vote a resolution setting the tax request; and

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

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

1) The 2020-2021 property tax request be set
General Fund: $1,990,816.00
Bond Fund: $ 0

2) The total assessed value of property differs from last year’s total assessed value by 3.78%

3) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be $0.317985 per $100 of assessed value

4) The City of York proposes to adopt a property tax request that will cause its tax rate to be $0.33 per $100 of assessed value.

5) Based on the proposed property tax request and changes in other revenue, the total operating budget of York is higher than last year’s by 1.43%.

6) A copy of this resolution will be certified and forwarded to the County Clerk on or before October 13, 2021.

Roll Call Vote: Ayes: Sheppard. Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

ADOPT BUDGET STATEMENT

ORDINANCE NO. 2298

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

Councilmember Pieper moved and Councilmember North seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2298 be suspended.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

.

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 Wilkinson moved and Councilmember Hubbard seconded that Ordinance No.2298 be passed and adopted.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Ordinance No. 2298 was declared adopted.

AMEND SANITARY SEWER RATES

ORDINANCE NO. 2294

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 37 OF THE MUNICIPAL CODE OF THE CITY OF YORK, NEBRASKA, PRESCRIBING SEWER RATES, REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE

Ordinance No. 2294 came on for second reading.

Councilmember Hubbard moved and Councilmember North seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2294 be suspended.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. . Nays: None. Motion Carried.

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 Wilkinson moved and Councilmember VanEsch seconded that Ordinance No.2294 be passed and adopted.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried. Ordinance No. 2294 was declared adopted.

APPROVE CONTRACT WITH AMGL TO PERFORM THE 2020-2021 AUDIT

The Mayor advised that AMGL had audited the City for the past three years and works very well with the City Treasurer. The City Administrator advised that "It is my opinion that it is in the best interests of the City to waive the City's bidding requirements and to approve the audit contract for the reason that the provider has previously audited the City's financial records and has all of the Ci8ty's prior records which will assist it in performing next year's audit and providing a benchmark analysis of the city's finances – the audit service is experience, respect and performs similar audits for other cities in Nebraska".

Councilmember North moved and Councilmember Pieper seconded to approve the contract with AMGL.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

APPROVE SPECIAL DESIGNATED PERMIT FOR SIP AND STROLL

Councilmember Hubbard moved and Councilmember VanEsch seconded that the application filed by the York Country Club for a special designated permit to serve alcoholic beverages at Impulse Studio in connection with the Chamber's Sip and Stroll event on October 7, 2021 be approved.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

SET JOB CLASSIFICATIONS, PAY GRADES AND SET MAXIMUM WAGE LEVELS AT STEP 7

Councilmember VanEsch moved and Councilmember North seconded that the following Resolution be adopted:

RESOLUTION NO. 2021-26

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 27, 2021 , pursuant to authority granted in Ordinance No. 2299 of the City of York. BE IT FURTHER RESOLVED that the 2021-2022 Budget include funds required to defray these salary adjustments.

| | Title | Pay Grade | | Title | Pay Grade |
|---|---|---|---|---|---|
| * | Airport Operations Manager | 44.0 | * | Library Director | 45.5 |
| | Airport Attendant | 36.0 | | Library Assistant I | 27.0 |
| * | Asset Manager/Project Manager | 42.0 | | Library Assistant II | 32.0 |
| | Assistant City Clerk/Treasurer | 37.0 | | Library Assistant III | 34.0 |
| | Ballfield Complex Main. Supr | 36.0 | | Maintenance Worker I | 34.0 |
| | Building Inspector | 43.5 | | Maintenance Worker II | 35.0 |
| * | City Administrator | 60.0 | | Maintenance Worker III | 36.5 |
| * | City Attorney – Part Time | 39.0 | | Plant Operator I – Wastewater | 33.0 |
| * | City Clerk | 46.0 | | Plant Operator II – Wastewater | 37.0 |
| * | City Treasurer | 46.0 | | Plant Operator III – Wastewater | 40.0 |
| * | Convention Center Director | 45.0 | | Plant Superintendent – Wastewater | 45.5 |
| | Convention Center Coordinator | 33.5 | * | Police Chief | 51.0 |
| | Custodian Supervisor | 36.0 | * | Police Captain | 45.5 |
| | Custodian I | 29.0 | | Police Sergeant | P-2 |
| | Custodian II | 33.0 | | Police Officer | P-1 |
| | Equipment Mechanic | 38.0 | * | Parks & Recreation Director | 45.5 |
| * | Fire Chief | 51.0 | * | Public Works Director – Engineer | 52.5 |
| | Fire Captain | F-4 | * | Public Works Director – Non Engineer | 50.0 |
| | Fire Medic I | F-1 | | Public Works Clerk | 35.0 |
| | Fire Medic II | F-2 | | Recreation Coordinator | 35.5 |
| | Fire Medic IV | F-3 | | Secretary I | 32.5 |
| | Fire Training & Safety Officer | 47.0 | | Secretary II | 34.0 |
| | Foreman I | 39.0 | | Support Services Officer | 31.5 |
| | Foreman II | 41.5 | | System Operator I – Water | 36.0 |
| * | Human Resources Director | 46.0 | | System Operator II – Water | 39.0 |
| | Laborer | 31.5 | | Utilities Account Clerk | 37.0 |
| | Landfill Operator | 36.0 | | | |
| | Landfill Superintendent | 41.5 | | | |

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones, and VanEsch. Nays: None. Motion Carried.

ADOPT PAY RANGE SCHEDULE

ORDINANCE NO. 2299

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 PROVIDNG FOR THE EFFECTIVE DATE OF SAID ORDINANCE

Councilmember Wilkinson moved and Councilmember Hubbard seconded that the Statutory Rule requiring reading on three different days of Ordinance No. 2299 be suspended.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. . Nays: None. Motion Carried.

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 Wilkinson moved and Councilmember Lones seconded that Ordinance No.2299 be passed and adopted.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried. Ordinance No. 2299 was declared adopted.

APPROVE AGREEMENT BETWEEN CITY OF YORK AND YORK PROFESSIONAL FIRE FIGHERS LOCAL 1648

Councilmember VanEsch moved and Councilmember North seconded that the agreement between the City of York and the York Professional Firefighters Local 1648 for the period September 27, 2021 through September 30, 2022.

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

AMEND PERSONNEL RULES TO ALLOW RETIRED EMPLOYEES TO BE REHIRED

Councilmember Pieper moved and Councilmember Wilkinson seconded that the following Resolution be adopted:

RESOLUTION NO. 2021-27

WHEREAS, the City of York Personnel Rules and Regulations are currently being revised; and

WHEREAS, the City of York has workforce needs that could be met with a change in the Personnel Rules and Regulations concerning retired employees.

THEREFORE, BE IT RESOLVED by the City Council that the following language in the current manual in the section "Retirement System" will not be enforced in the City of York, effective immediately: "C. Rehiring of Retired Employees: Employees who have retired from active City employment shall not be eligible for rehire".

Roll Call Vote: Ayes: Sheppard, Wagner, North, Wilkinson, Hubbard, Pieper, Lones and VanEsch. Nays: None. Motion Carried.

ADJOURNMENT

There being no further business to come before the Council, the Mayor adjourned the meeting, the time being 8:08 o'clock p.m.

_____ _____

C. Jean Thiele, City Clerk Barry Redfern, Mayor