

Aurora, Nebraska
September 9, 2008

A meeting of the Mayor and Council of the City of Aurora, Nebraska, was convened in open and public session at 7:30 p.m. on September 9, 2008 at the City Hall. Present were Councilors: Jack Payne, Bruce Ramsour, Dottie Anderson, Chris Helzer, Dick Phillips and Paul Shaneyfelt. Mayor Marlin Seeman conducted the meeting. City Officials present were City Administrator Mike Bair, City Attorney Ross Luzum, Police Chief Godfrey Brokenrope, Water/Sewer Commissioner Rick Melcher and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on August 13, 2008. Notice of meeting was simultaneously given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda of this meeting was communicated in the advance notice and in the notice to the Mayor and Council. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Seeman stated "AS PERSCRIBED BY LAW A COPY OF THE NEBRASKA OPEN MEETINGS ACT IS POSTED BY THE DOUBLE DOORS IN THE COUNCIL CHAMBERS."

MINUTES:

Councilor Ramsour moved to approve the minutes from the August 26, 2008 meeting. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

Mayor Seeman reminded everyone of the Volunteer Appreciation Picnic that will be held Thursday, September 11, 2008. The picnic is to show thanks to all the volunteers who helped during the 2008 tornado and the Fidelity Building fire.

REPORTS BY OFFICERS, BOARD, COMMITTEES:

Clerk/Treasurer Mikkelsen presented the Expenditure and Clerk/Treasurer reports for the month ending August 31, 2008. Councilor Phillips moved to approve said reports. Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

Claims Committee member Anderson reported the claims presented by the Clerk were in order and moved that said claims be allowed and checks drawn on the various funds for payment of same be approved. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Abstain: Payne. The motion carried. A listing of said claims is attached to these minutes.

7:30 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the Planning Commission's recommendation to amend Article 5, Section 515 Off-Street Parking, sub-section 515.14 minimum off-street parking requirements and sub-section 515.09 Required Off-Street Loading Areas.

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. Zoning Administrator Melcher explained the changes to the ordinances. He stated that the Planning Commission tabled changes to be made to sub-section 515.09 Required Off-Street Loading Areas until further review had been done. There being no one else present that wished to speak in favor of or in opposition to the recommendation the Mayor declared the public hearing closed.

7:35 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the Planning Commission's recommendation to amend amending Article 4, Section 416 I-1 Light Industrial District, sub-section 416.04 Conditional Uses and Structures, paragraph 5 and Article 4, Section 417 I-2 Industrial District, sub-section 417.04 Conditional Uses and Structures, paragraph 4.

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. Zoning Administrator Melcher explained the changes to the ordinances. He stated that the changes to be made had come from recommendations made by the Airport Authority. There being no one else present that wished to speak in favor of or in opposition to the recommendation the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 905 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FOUR, ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS, SECTION 416 I-1 LIGHT INDUSTRIAL DISTRICT, SUBSECTION 416.04 CONDITIONAL USES AND STRUCTURES BE AMENDED TO PROVIDE FOR THE MAXIMUM HEIGHT OF A TOWER AT 1946.9 MSL WITHIN THE ZONING JURISDICTION OF THE CITY OF AURORA, NEBRASKA.

Councilor Shaneyfelt moved to bring Ordinance No. 905 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion having been concurred in by three fourths majority of all members elected to the Council passed and said statutory three reading rule was suspended.

Councilor Ramsour moved for final adoption of Ordinance No. 905. Councilor Payne seconded the motion. The Mayor stated the question, "Shall Ordinance No. 905 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Council President declared passed and adopted and the Council President in the presence of the Council signed and approved said Ordinance and the Clerk attested the passage and approval of same and affixed her signature thereto. Said Ordinance shall be preserved and kept in a separate and distinct volume known as the Ordinance of the City of Aurora, Nebraska and same be incorporated herein by reference.

City Attorney Luzum read Ordinance No. 906 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FOUR, ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS, SECTION 417 I-2 INDUSTRIAL DISTRICT, SUBSECTION 417.04 CONDITIONAL USES AND STRUCTURES, PARAGRAPH FOUR (4) BE AMENDED TO PROVIDE FOR THE MAXIMUM HEIGHT OF A TOWER AT 1946.9 MSL WITHIN THE ZONING JURISDICTION OF THE CITY OF AURORA, NEBRASKA.

Councilor Ramsour moved to bring Ordinance No. 906 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Helzer seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion having been concurred in by three fourths majority of all members elected to the Council passed and said statutory three reading rule was suspended.

Councilor Shaneyfelt moved for final adoption of Ordinance No. 906. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 906 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Council President declared passed and adopted and the Council President in the presence of the Council signed and approved said Ordinance and the Clerk attested the passage and approval of same and affixed her signature thereto. Said Ordinance shall be preserved and kept in a separate and distinct volume known as the Ordinance of the City of Aurora, Nebraska and same be incorporated herein by reference.

City Attorney Luzum read Ordinance No. 907 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FIVE, SUPPLEMENTAL REGULATIONS, SECTION 515 OFF-STREET PARKING, SUBSECTION 515.14 BE AMENDED TO PROVIDE FOR ONE (1) PARKING SPACE FOR EACH TEN (10) CHILDREN SERVED PLUS ONE (1) PARKING SPACE FOR EACH EMPLOYEE PER LARGEST WORKING SHIFT.

Councilor Phillips moved to bring Ordinance No. 907 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Shaneyfelt seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion having been concurred in by three fourths majority of all members elected to the Council passed and said statutory three reading rule was suspended.

Councilor Ramsour moved for final adoption of Ordinance No. 907. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 907 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Council President declared passed and adopted and the Council President in the presence of the Council signed and approved said Ordinance and the Clerk attested the passage and approval of same and affixed her signature thereto. Said Ordinance shall be preserved and kept in a separate and distinct volume known as the Ordinance of the City of Aurora, Nebraska and same be incorporated herein by reference.

Mayor Seeman began the hearing to hear testimony and receive evidence relative to the Fidelity Building, and make a written finding of fact as to whether it is a dangerous building. Mayor Seeman thanked Holly Nguyen owner of the Fidelity Building for her diligence in taking care of the situation. Jason Suelter, City Building Inspector gave a report on the progress of the demolition of the Fidelity Building. Holly Nguyen told the Council she was hurt by the loss of her building and her dreams for it. She thanked the Council for their help and support. Kim Schaffert told the Council that Holly and her husband had listened to the Schaffert's concerns. Kim said they did a great job in taking down the Fidelity Building with minimum additional damage to Schaffert's building as possible.

Councilor Phillips moved to take no action on Resolution 08-17 declaring the Fidelity Building to be unsafe. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting reviewed the bids for Phase 1 of the Quiet Zone Project. He stated that M.E. Collins was the low bidder with a bid of \$96,243.25. Councilor Ramsour moved to award the bid for Phase 1 of the Quiet Zone Project to M.E. Collins with the right of JEO to negotiate the tree removal portion of the bid. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Councilor Phillips moved to table agenda item #13. Councilor Payne seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Dave Ziska of Olsson & Associates presented Pay Application No. 3 for Diamond Engineering for Highway 34 & N Road Project for \$279,520.45. Councilor Shaneyfelt moved to approve Pay Application No. 3 for Diamond Engineering for Highway 34 & N Road Project for \$279,520.45. Councilor Phillips seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented Change Order No. 1 for Wetherington Height Improvements by Diamond Engineering an increase of \$97.20. Councilor Shaneyfelt moved to approve Change Order No. 1 for Wetherington Height Improvements by Diamond Engineering an increase of \$97.20. Councilor Ramsour seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting reviewed Pay Application No. 3 and final for Diamond Engineering for Wetherington Heights. Councilor Ramsour moved to approve Pay Application No. 3 for Diamond Engineering for Wetherington Heights Improvements for \$5,411.50. Councilor Payne seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained the "Recommendation of Acceptance" for the Wetherington Heights Project. He stated that the warranty period would start as of the date of acceptance. Councilor Phillips moved to accept the "Recommendation of Acceptance" for the Wetherington Heights Project. Councilor Payne seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented Change Order No. 1 for Parkview Estates for A & R Construction for an increase of \$17,085.10. Councilor Shaneyfelt moved to approve Change Order No. 1 for Parkview Estates for A & R Construction for an increase of \$17,085.10. Councilor Ramsour seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Helzer and Phillips. Nay: Anderson. The motion carried.

Tylor Bottorff of JEO Consulting reviewed Pay Application No. 3 and Final for A&R Construction for Parkview Estates Paving for \$62,710.35. Councilor Ramsour moved to approve Pay Application No. 3 and Final for A&R Construction for Parkview Estates Paving for \$62,710.35. Councilor Phillips seconded the motion. Voting Aye: Payne, Ramsour, Helzer, Phillips and Shaneyfelt. Abstain: Anderson. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained the "Recommendation of Acceptance" for Parkview Estates. He stated that the warranty period would start as of the date of acceptance and was for 2 years. Councilor Ramsour moved to accept the "Recommendation of Acceptance" for Parkview Estates and to approve with the 2 year warranty period as stated in the bid documents. Councilor Payne seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented pay application No. 1 for Rutjens Construction for Green Way Sanitary Sewer Extension for \$179,776.79. Councilor Phillips moved to approve pay application No. 1 for Rutjens Construction for Green Way Sanitary Sewer Extension for \$179,776.79. Councilor Ramsour seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

MISCELLANEOUS:

ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:40 p.m.

ATTEST:

Bailey Mikkeles
City Clerk

Marlin Seeman
Mayor

