

Aurora, Nebraska
October 14, 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 October 14, 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, Water/Sewer Commissioner Rick Melcher and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on October 8, 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 September 23 and October 9, 2008 meetings. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

REPORTS BY OFFICERS, BOARD, COMMITTEES:

Clerk/Treasurer Mikkelsen presented the Expenditure and Clerk/Treasurer reports for the month ending September 30, 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.

7:35 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the Planning Commission's recommendation to amend article 5, Section 515 Off-Street Parking, Sub-Section 515.09 related to off-street loading areas and Section 519 Loading Area Requirements, Sub-Section 519.01 minimum off-street loading area requirements and sub-section 519.02 required off-street loading areas located in the C-2 Central Business District developed after the date of adoption of this Ordinance.

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. There being no one 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. 912 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 515.09 BE AMENDED TO ALLOW FOR REQUIRED OFF-STREET LOADING AREAS THE USE OF REQUIRED OFF-STREET PARKING AREAS ON ANY PREMISES USED AS CHILD CARE CENTERS, DAY NURSERIES AND SIMILAR USES.

Councilor Shaneyfelt moved to bring Ordinance No. 912 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Ramsour 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 Phillips moved for final adoption of Ordinance No. 912. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 912 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. 913 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FIVE, SUPPLEMENTAL REGULATIONS, SECTION 519 LOADING AREA REQUIREMENTS, SUBSECTION 519.01 BE AMENDED TO ALLOW FOR REQUIRED OFF-STREET PARKING AREAS TO BE USED AS REQUIRED OFF-STREET LOADING AREAS ON ANY PREMISES USED AS CHILD CARE CENTERS, DAY NURSERIES AND SIMILAR USES.

Councilor Ramsour moved to bring Ordinance No. 913 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Payne 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 Payne moved for final adoption of Ordinance No. 913. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 913 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. 914 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FIVE, SUPPLEMENTAL REGULATIONS, SECTION 519 LOADING AREA REQUIREMENTS, SUBSECTION 519.02 BE AMENDED TO EXEMPT COMMERCIAL USES INCLUDING CHILD CARE CENTERS, DAY NURSERIES AND SIMILAR USES FROM THE OFF-STREET LOADING AREA REQUIREMENTS LOCATED IN THE C-2 CENTRAL BUSINESS DISTRICT DEVELOPED AFTER THE DATE OF ADOPTION OF THIS ORDINANCE.

Councilor Payne moved to bring Ordinance No. 914 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson 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. 914. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 914 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.

Greg Wood of JEO Consulting reviewed the bids for the Madison Avenue Improvement Project. Councilor Phillips state the Public Works Committee met and it was their recommendation to award the bid to A & R Construction for \$493,312.78 with the addition of the alternate bid included as well. Councilor Payne moved to award the bid for the Madison Avenue Improvement Project to A & R Construction for a total cost of \$493,312.78. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

City Attorney Luzum read Ordinance No. 910 by its title: AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 179 IN THE CITY OF AURORA, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN, AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Councilor Ramsour moved to bring Ordinance No. 910 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. 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. 910. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 910 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye, Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. 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. 911 by its title: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2008A, OF THE CITY OF AURORA, NEBRASKA, OF THE PRINCIPAL AMOUNT OF SEVEN HUNDRED NINETY THOUSAND DOLLARS (\$790,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 179 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; DETERMINING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS OF THE CITY AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilor Phillips moved to bring Ordinance No. 911 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Payne seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. 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. 911. Councilor Ramsour seconded the motion. The Mayor stated the question, "Shall Ordinance No. 911 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. 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.

Councilor Shaneyfelt moved to authorize the Mayor to sign an easement with Aurora Golf Course for a portion of the West Lagoon. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None. The motion carried.

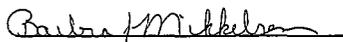
Councilor Payne moved to authorize the Mayor to enter into an agreement with the Aurora Rural Fire District #6 for a joint pickup purchase. Councilor Ramsour seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

MISCELLANEOUS:

ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:02 p.m.

ATTEST:


City Clerk

Mayor

