

Aurora, Nebraska
January 22, 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 January 22, 2008 at the City Hall. Present were Councilors: 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 January 16, 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 PRESCRIBED BY LAW A COPY OF THE NEBRASKA OPEN MEETINGS ACT IS POSTED BY THE DOUBLE DOORS IN THE COUNCIL CHAMBERS."

MINUTES:

Councilor Shaneyfelt moved to approve the minutes from the January 8, 2008 meeting. Councilor Phillips seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillip and Shaneyfelt. Nay: None. Absent and not voting: Payne. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

REPORTS BY OFFICERS, BOARD, COMMITTEES:

City Attorney Luzum read Ordinance No. 883 by its title: AN ORDINANCE OF THE CITY OF AURORA, NEBRASKA, AMENDING CHAPTER 5, ARTICLE 3 OF THE AURORA MUNICIPAL CODE, ADDING 5-314(A) "EXCEPTIONS"; AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Councilor Ramsour moved to bring Ordinance No. 883 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 and Ramsour. Nay: None. Absent and not voting: Payne. 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. 883. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 883 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Payne.

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. 884 by its title: ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AURORA, CHAPTER FIVE, TRAFFIC, ARTICLE THREE, PROHIBITIONS, SECTION 5-301, SPEED LIMITS, TO ADD PARAGRAPH L, WHICH WILL SET THE SPEED LIMIT ON HARVEST DRIVE AND MANKIN ROAD AT TWENTY-FIVE MILES PER HOUR FOR ENTIRETY OF EACH PARTICULAR STREET. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF AURORA, NEBRASKA:

Councilor Phillips moved to bring Ordinance No. 884 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Payne. 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. 884. Councilor Shaneyfelt seconded the motion. The Mayor stated the question, "Shall Ordinance No. 884 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Payne.

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.

Jim Jackson of JEO Consulting presented Change Order No.1 for Robin Drive Improvements. He stated the change order represented a decrease of \$1,000 for seeding. Councilor Shaneyfelt moved to approve Change Order No.1 for Robin Drive Improvements. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. The motion carried.

Councilor Ramsour moved to table agenda item #7 regarding pay application No. 3 and final for A&R Construction for Robin Drive Improvements until further information was received. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. The motion carried.

Councilor Shaneyfelt moved to table agenda item #8 regarding the "Recommendation of Acceptance" for Robin Drive Improvements until more information was received. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Ramsour. Nay: None. Absent and not voting: Payne. The motion carried.

Taylor Bottorff of JEO Consulting presented the Quiet Zone Study done by Felsburg, Holt & Ullevig and recommended acceptance of same. Councilor Ramsour moved to accept the Quiet Zone Study. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Payne. The motion carried.

Tylor Bottorff of JEO Consulting presented and reviewed the agreement with Felsburg, Holt & Ullevig for Quiet Zone Plans. Councilor Shaneyfelt moved to authorize the Mayor to enter into an agreement with Felsburg, Holt & Ullevig for Quiet Zone Plans. Councilor Ramsour seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Payne. The motion carried.

Tylor Bottorff of JEO Consulting presented and reviewed the agreement with JEO for Quiet Zone field work and coordination. Councilor Phillips moved to authorize the Mayor to enter into an agreement with JEO Consulting for Quiet Zone field work and coordination. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Payne. The motion carried.

Jim Jackson of JEO Consulting reviewed the council's options pertaining to granting a time extension for the completion of the installation of the railings for the Downtown Improvement Project. He also explained the process for enacting liquidated damages. Matt Neville of American Fence stated that the current installation schedule would have the railings installed by February 15, 2008. Councilor Ramsour moved to deny the request for a time extension for the installation of railings for the Downtown Project. Councilor Shaneyfelt seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. The motion carried.

Councilor Ramsour moved to enact liquidated damages as of February 16th, 2008 if the installation of the railings for the Downtown Project is not completed by February 15th, 2008 with the liquidated damages being retroactive to the 23rd of January, 2008 and up to the per day maximum of \$760. Councilor Shaneyfelt seconded the motion. Voting Aye: Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. The motion carried.

Councilor Shaneyfelt moved to authorizing Mayor to enter into an agreement with R & C Digging for excavation services at the cemetery. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Ramsour. Nay: None. Absent and not voting: Payne. The motion carried.

Councilor Phillips moved to approve Resolution 07-26 setting water rates. Councilor Shaneyfelt seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Payne. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 07-26

WHEREAS, the City of Aurora, Nebraska, by and through its Water Department, provides fresh water to consumers, both residents and non-residents of the City;

AND WHEREAS, Section 3-109 of the Municipal Code of the City of Aurora provides that the City Council has the power and authority to fix the rates to be paid by the Consumers for the use of water from the Water Department; and

WHEREAS, Section 3-110 of the Municipal Code of the City of Aurora provides that all water consumers shall be liable for the rates, fees, and other charges, as the Council shall by resolution provide;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL that the meters for recording the usage of such services be read monthly and that bills for said services be prepared, mailed, and collected on a monthly basis as determined from the above meter readings, or estimates when necessary, at the following rates:

DOMESTIC AND NON-DOMESTIC USERS

RATES FOR 2008

First 3,000 gallons . . a minimum charge. \$9.00
(Locations served by one common water meter which are divided into multiple housing or business units or which serve more than one business or entity shall be assessed the minimum charge for each unit, business, or entity served)

Next 12,000 gallons . . \$ 1.05 per thousand gallons

Next 10,000 gallons . . \$ 1.00 per thousand gallons

Next 25,000 gallons . . \$.95 per thousand gallons

All over 50,000 gallons \$.90 per thousand gallons

RATES FOR 2009

First 3,000 gallons . . a minimum charge. \$9.25
(Locations served by one common water meter which are divided into multiple housing or business units or which serve more than one business or entity shall be assessed the minimum charge for each unit, business, or entity served)

Next 12,000 gallons . . \$1.15 per thousand gallons

Next 10,000 gallons . . \$1.10 per thousand gallons

Next 25,000 gallons . . \$1.05 per thousand gallons

All over 50,000 gallons \$1.00 per thousand gallons

RATES FOR 2010

First 3,000 gallons . . a minimum charge. \$9.75
(Locations served by one common water meter which are divided into multiple housing or business units or which serve more than one business or entity shall be assessed the minimum charge for each unit, business, or entity served)

Next 12,000 gallons . . \$1.20 per thousand gallons

Next 10,000 gallons . . \$1.15 per thousand gallons

Next 25,000 gallons . . \$1.10 per thousand gallons

All over 50,000 gallons \$1.05 per thousand gallons

RATES FOR 2011

First 3,000 gallons . . a minimum charge. \$10.00
(Locations served by one common water meter which are divided into multiple housing or business units or which serve more than one business or entity shall be assessed the minimum charge for each unit, business, or entity served)

Next 12,000 gallons . . \$1.30 per thousand gallons

Next 10,000 gallons . . \$1.25 per thousand gallons

Next 25,000 gallons . . \$1.20 per thousand gallons

All over 50,000 gallons \$1.15 per thousand gallons

RATES FOR 2012

First 3,000 gallons . . a minimum charge. \$10.50
(Locations served by one common water meter which are divided into multiple housing or business units or which serve more than one business or entity shall be assessed the minimum charge for each unit, business, or entity served)

Next 12,000 gallons . . \$1.40 per thousand gallons

Next 10,000 gallons . . \$1.35 per thousand gallons

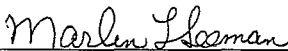
Next 25,000 gallons . . \$1.30 per thousand gallons

All over 50,000 gallons \$1.25 per thousand gallons

NON-RESIDENT USERS:

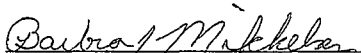
Each non-resident user shall pay two (2) times the rate for water use fees as established for residents (per unit if multiple units are served by one common water meter).

Passed and adopted this 22nd day of January, 2008.



Mayor

ATTEST:



City Clerk



Councilor Ramsour moved to approve Resolution 07-27 setting sewer rates. Councilor Shaneyfelt seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Payne. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 07-27

WHEREAS, the City of Aurora, Nebraska, by and through its Sewer Department, provides sanitary sewer system service to domestic, non-domestic, and industrial users, both inside and outside the city limits.

AND WHEREAS, Section 3-213 of the Municipal Code of the City of Aurora provides that the Mayor and Council may establish rental rates for the use of the sewer system.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL that the following be assessed for such use.

A. Domestic and Non-Domestic Users. Domestic and non-domestic users of the sanitary sewer system, both inside and outside the city limits, shall be assessed a sewer use fee monthly based upon their total water usage. Meters for recording the usage of such services shall be read monthly, or estimated when necessary. Bills for said services shall be prepared, mailed, and collected on a monthly basis as determined from the above meter readings and estimates; provided however, that the domestic sewer service rate shall be based upon the average water use for the months of December, January and February, unless inclement weather or other circumstances prevent the reading of the meters in any of those three months, then in that event, the City Council shall direct the method to be used to establish the rate. The established rate shall then be effective for the next twelve months beginning with the March billing. Sewer service rates will be recomputed at each

billing for non-domestic users. Charges for multiple units served by one common water meter shall be assessed based upon the minimum fee for each unit plus the rate per 1,000 gallons used thereafter. The following rates apply:

Effective March 1, 2008:

First 1,000 gallons per unit \$8.00

All water usage over the first 1,000 gallons per unit \$1.95 per 1,000 gallons

Effective March 1, 2009:

First 1,000 gallons per unit \$8.50

All water usage over the first 1,000 gallons per unit \$2.05 per 1,000 gallons

Effective March 1, 2010:

First 1,000 gallons per unit \$9.00

All water usage over the first 1,000 gallons per unit \$2.15 per 1,000 gallons

Effective March 1, 2011:

First 1,000 gallons per unit \$9.50

All water usage over the first 1,000 gallons per unit \$2.25 per 1,000 gallons

Effective March 1, 2012:

First 1,000 gallons per unit \$10.00

All water usage over the first 1,000 gallons per unit \$2.35 per 1,000 gallons

B. Users Not on City Water System. Those sanitary sewer system users which are not consumers of City water shall be charged at the same rate based upon each 1,000 gallons of wastewater discharged to the sanitary sewer system. The cost of a suitable continuous recording device for determining the flow of discharge into the sanitary sewer system for these customers shall be borne by the customer. In the alternative, those customers who do not have such a recording device shall pay the following flat rate per month for sanitary sewer system service:

Non-Metered Flat Rate:

Effective March 1, 2008.....	\$17.99
Effective March 1, 2009.....	\$18.97
Effective March 1, 2010.....	\$19.95
Effective March 1, 2011.....	\$20.93
Effective March 1, 2012.....	\$21.92

C. Industrial Users. Users contributing industrial waste, as distinct from those discharging only nonprocess related waste water, shall be charged monthly on the basis of their contribution of wastewater flow, organic load, and suspended solids and oil and grease into the sanitary sewer system. Rates for the IAMS plant and the Nebraska Energy, LLC plant have been established by Resolution 05-26 adopted December 13, 2005 and remain in effect. Rates for other industrial users will be established by the Mayor and City Council prior to their connection to the sewer system.

Passed and adopted this 22nd day of January, 2007

Marlen Seeman
Mayor

ATTEST:

Barbra Mickelson
City Clerk



Councilor Shaneyfelt moved to accept the resignation of George Eberly from the Planning commission and to approve the Mayor's appointment of Jan Dick to the Planning Commission to fill the unexpired term. Councilor Anderson seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Payne. The motion carried.

Fire Chief Tom Cox reviewed the bids for bunker gear for the Fire Department. He reminded the council that the purchase was due to the FEMA Grant the Fire Department had received. Councilor Ramsour moved to approve the purchase of bunker gear from Globe Manufacturing through MES out of Fremont for \$1424 per set. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. 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 8:03 p.m.

Marlen Seeman
Mayor

ATTEST:

Barbra Mickelson
City Clerk

