

Aurora, Nebraska  
April 8, 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 April 8, 2008 at the City Hall. Present were Councilors: Jack Payne, Bruce Ramsour, Dottie Anderson, Chris Helzer and Dick Phillips. 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 April 2, 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 Payne moved to approve the minutes from the March 25, 2008 meeting. Councilor Ramsour seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Payne. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

**PETITIONS, COMPLAINTS, COMMUNICATIONS:**

**REPORTS BY OFFICERS, BOARD, COMMITTEES:**

Deputy Clerk/Treasurer Arent presented the Expenditure and Clerk/Treasurer reports for the month ending March 31, 2008. Councilor Ramsour moved to approve said reports. Councilor Helzer seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Payne and Ramsour. Nay: None. Absent and not voting: Shaneyfelt. 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, Ramsour and Anderson. Nay: None. Abstain: Payne. Absent and not voting: Shaneyfelt. The motion carried. A listing of said claims is attached to these minutes.

Councilor Phillips moved to approve the certification of the City Administrator's approval of a lot split for the following: a part of Newman Subdivision. Councilor Anderson seconded the motion. Voting Aye: Phillips, Payne, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

**7:35 P.M. PUBLIC HEARING:**

Mayor Seeman opened the duly advertised public hearing to receive public comments on the recommendation of the Planning Commission to approve the request from Bob Benes to approve a final plat of Northridge Subdivision a part of the East Half (E1/2) of Section Thirty-Three (33), and part of Newman Subdivision all located in Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, NE.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed recommendation. Mark Palmer of Olsson & Associates reviewed the final plat. Zoning Administrator Rick Melcher stated that the Planning Commission was recommending approval of the final plat. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed recommendation and there was no one. There being no one else present to speak in favor of or opposition to the proposed recommendation the Mayor declared the public hearing closed.

**7:40 P.M. PUBLIC HEARING:**

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the inclusion of Northridge Subdivision within the corporate limits of the city of Aurora. Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. Mark Palmer spoke in support of the recommendation. 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.

Councilor Phillips moved to approve Resolution 08-05 approving final plat of Northridge Subdivision and its inclusion within the corporate limits of the city of Aurora. Councilor Payne seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Shaneyfelt. The motion carried and the following resolution was declared passed and adopted.

**RESOLUTION NO.08-05**

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the final plat of Northridge Subdivision, a replat of Northridge Subdivision a part of the East Half (E1/2) of Section Thirty-Three (33), and part of Newman Subdivision all located in Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska; and have held separate public hearings to consider whether the Subdivision should be included within the Corporate limits of the City of Aurora, and

WHEREAS, said plat of Northridge Subdivision meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

WHEREAS, the Aurora Planning Commission has recommended to the City Council approval of the final plat to be known as Northridge Subdivision and has recommended that it be included within the Corporate limits, and the City Council on this date has voted for approval of this Subdivision; and has voted to include this Subdivision within the City Limits;

BE IT THEREFORE RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska, that the final plat of Northridge Subdivision be hereby approved and that said addition shall be included within the Corporate limits of the City of Aurora, Nebraska, and that the Mayor and City Clerk be authorized to execute the approval of said plat, and cause the same to be filed as required by law.

Passed and adopted this 8<sup>th</sup> day of April, 2008.

ATTEST:

Barbara Mikhelson  
City Clerk



Marlin Heeman  
Mayor

City Attorney Luzum read Ordinance No. 889 by its title: AN ORDINANCE TO EXTEND AND INCREASE THE CORPORATE LIMITS OF THE CITY OF AURORA, COUNTY OF HAMILTON, STATE OF NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTION 17-405, R.R.S.1943, BY ANNEXING THERETO A CERTAIN PARCEL OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF AURORA, CONSISTING OF PART OF THE EAST HALF (E1/2) OF SECTION THIRTY-THREE (33), AND PART OF NEWMAN SUBDIVISION ALL LOCATED IN TOWNSHIP ELEVEN (11) NORTH, RANGE SIX (6) WEST OF THE SIXTH P.M., HAMILTON COUNTY, NEBRASKA.

Councilor Ramsour moved to bring Ordinance No. 889 before the council and to approve the first reading of this ordinance. Councilor Phillips seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

City Attorney Luzum read Ordinance No. 892 by its title: AN ORDINANCE TO EXTEND AND INCREASE THE CORPORATE LIMITS OF THE CITY OF AURORA, COUNTY OF HAMILTON, STATE OF NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTION 17-405.01, R.R.S.1943, BY ANNEXING THERETO A CERTAIN PARCEL OF LAND CONTIGUOUS OR ADJACENT TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF AURORA, CONSISTING OF PART OF LOT 1 AURORA BUSINESS PARK SOUTH SUBDIVISION, TOWNSHIP 10 NORTH, RANGE 6 WEST OF THE SIXTH P.M., HAMILTON COUNTY, NEBRASKA.

Councilor Payne moved to bring Ordinance No. 892 before the council and to approve the first reading of this ordinance. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Payne. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

City Attorney Luzum read Ordinance No. 893 by its title: AN ORDINANCE TO EXTEND AND INCREASE THE CORPORATE LIMITS OF THE CITY OF AURORA, COUNTY OF HAMILTON, STATE OF NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTION 17-405.01, R.R.S.1943, BY ANNEXING THERETO A CERTAIN PARCEL OF LAND CONTIGUOUS OR ADJACENT TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF AURORA, CONSISTING OF ALL THAT PORTION OF NEBRASKA STATE HIGHWAY 34 RIGHT-OF-WAY LYING EAST OF THE WEST RIGHT-OF-WAY LINE OF N ROAD, AND WEST OF THE EAST RIGHT-OF-WAY LINE OF LINCOLN AVENUE, EXTENDED TO THE NORTH, IN HAMILTON COUNTY, NEBRASKA.

Councilor Phillips moved to bring Ordinance No. 893 before the council and to approve the first reading of this ordinance. Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Payne and Ramsour. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

#### 7:45 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the Planning Commission's recommendation to amend Ordinance No. 708, the zoning ordinance to the City of Aurora, Nebraska and the Comprehensive Plan, specifically the Land Use Plan, to reflect changes in zoning for the property located at, East Half (E1/2) of Section Thirty-Three (33), Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, NE.

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 zoning change request. 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. 890 by its title: AN ORDINANCE TO AMEND ORDINANCE 707-1, THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF AURORA, NEBRASKA, LAND USE PLAN, ILLUSTRATION NO. 7, TO PROVIDE THAT THE LAND USE DESIGNATION OF NORTHRIDGE SUBDIVISION, CITY OF AURORA, A PART OF THE EAST HALF (E1/2) OF SECTION THIRTY-THREE (33), TOWNSHIP ELEVEN (11) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA, BE CHANGED TO ZONING DISTRICT DESIGNATION RESIDENTIAL ZONING DISTRICT (R-1).

Councilor Ramsour moved to bring Ordinance No. 890 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Payne, Ramsour and Anderson. Nay: None. Absent and not voting: Shaneyfelt. 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. 890. Councilor Payne seconded the motion. The Mayor stated the question, "Shall Ordinance No. 890 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Phillips, Payne, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Shaneyfelt.

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. 891 by its title: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FOUR (4), ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS, SECTION 403, THE OFFICIAL ZONING MAP, TO PROVIDE THAT THE PROPERTY LEGALLY DESCRIBED AS: NORTHRIDGE SUBDIVISION, CITY OF AURORA, A PART OF THE EAST HALF (E1/2) OF SECTION THIRTY-THREE (33), TOWNSHIP ELEVEN (11) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM AG, AGRICULTURAL ZONING DISTRICT DESIGNATION TO R-1, RESIDENTIAL DISTRICT DESIGNATION AND TO PROVIDE THAT SAID CHANGE SHALL BE ENTERED UPON ZONING MAP AS PROVIDED IN ARTICLE 4, SECTION 404.10, OFFICIAL ZONING MAP CHANGES.

Councilor Phillips moved to bring Ordinance No. 891 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 and Phillips. Nay: None. Absent and not voting: Shaneyfelt. 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. 891. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 891 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Shaneyfelt.

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.

Tylor Bottorff of JEO Consulting reviewed the agreement with JEO Consulting for Northridge Subdivision. Councilor Phillips moved to authorize the Mayor to enter into an agreement with JEO Consulting for Northridge Subdivision to prepare plans, specifications and bid documents. Councilor Payne seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Payne. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Ramsour moved to approve Cost Breakdown Form No. 9 for Utilities Relocation Hwy 14-H Street for \$1,598.71 for Non Betterment work. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Payne and Ramsour. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Payne moved to approve Cost Breakdown Form No. 9 for Utilities Relocation Hwy 14-H Street for \$1,103.31 for Betterment work. Councilor Anderson seconded the motion. Voting Aye: Helzer, Phillips, Payne, Ramsour and Anderson. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

Attorney Mike Bacon reviewed Resolution 08-06 a resolution setting a public hearing on a Redevelopment Plan Amendment of the City of Aurora, Nebraska, including a redevelopment contract, acknowledging receipt of written notice of intent of the community redevelopment authority to enter into a redevelopment contract after the passage of 30 days from April 8, 2008, for a redevelopment project of the City of Aurora, Nebraska; and approval of related actions.

Councilor Phillips moved to approve Resolution 08-06. Councilor Ramsour seconded the motion. Voting Aye: Phillips, Payne, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Shaneyfelt. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 08-06

RESOLUTION SETTING PUBLIC HEARING ON A REDEVELOPMENT PLAN AMENDMENT OF THE CITY OF AURORA, NEBRASKA, INCLUDING A REDEVELOPMENT CONTRACT, ACKNOWLEDGING RECEIPT OF WRITTEN NOTICE OF INTENT OF THE COMMUNITY REDEVELOPMENT AUTHORITY TO ENTER INTO A REDEVELOPMENT CONTRACT AFTER THE PASSAGE OF 30 DAYS FROM APRIL 8, 2008, FOR A REDEVELOPMENT PROJECT OF THE CITY OF AURORA, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

WHEREAS, the City of Aurora, Nebraska, a municipal corporation and city of the second class (the "City"), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared the area legally described in Exhibit 1 attached hereto (the "Redevelopment Area") to be blighted and substandard and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Aurora, Nebraska (the "Authority") has prepared or caused to be prepared a Redevelopment Plan Amendment, including a Redevelopment Contract (collectively, the "Redevelopment Contract"), in the form attached hereto as Exhibit 2, for the redevelopment of that portion of the Redevelopment Area legally described on Exhibit 3 (the "Project Area"); and

WHEREAS, the Authority has reviewed the Redevelopment Contract and recommended its approval by the Mayor and Council of the City; and

WHEREAS, the Authority has given written notice of its intent to enter into the Redevelopment Contract after the passage of 30 days from April 8, 2008,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF AURORA, NEBRASKA:

Section 1. The Redevelopment Plan Amendment as set forth in the Redevelopment Contract is hereby set for public hearing on April 22, 2008 at the hour of 7:00 P.M. in the City Council Chambers at 905 13th Street in Aurora, Nebraska, pursuant to notice of hearing published according to the Act.

Section 2. The City Council hereby acknowledges receipt of the notice intent of the Authority to enter into the Redevelopment Contract after the passage of 30 days from April 8, 2008.

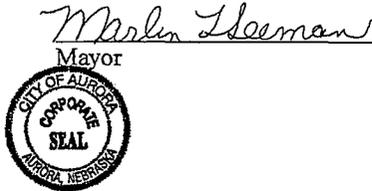
Section 3. The Redevelopment Contract and Redevelopment Plan Amendment are hereby referred to the Planning and Zoning Commission of the City for its recommendation prior to such hearing.

PASSED AND APPROVED this 8th day of April, 2008.

CITY OF AURORA, NEBRASKA

ATTEST:

  
City Clerk



Troy Johnston of JEO Consulting reviewed the Downtown Project and stated that it was substantially complete. Councilor Payne moved to accept the Downtown Improvement Project as substantially complete. Councilor Ramsour seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

City Attorney Luzum read Ordinance No. 894 by its title: AN ORDINANCE OF THE CITY OF AURORA, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2008, OF THE CITY OF AURORA, IN THE PRINCIPAL AMOUNT OF TWO MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$2,470,000) TO PAY THE COST OF STREET IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 172 AND ALLEY IMPROVEMENTS IN ALLEY IMPROVEMENT DISTRICT NOS. 2005-01, 2005-02, 2005-03, 2005-04, 2005-05 AND 2005-06; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; DECLARING AN EMERGENCY; PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT UPON PROCLAMATION BY THE MAYOR IMMEDIATELY UPON ITS POSTING; AND PROVIDING FOR FURTHER PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Dan Smith of D.A. Davidson & Co. reviewed the bonds for the Downtown Improvement Project. Councilor Payne moved to bring Ordinance No. 894 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Shaneyfelt. 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. 894. Councilor Payne seconded the motion. The Mayor stated the question, "Shall Ordinance No. 894 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips and Payne. Nay: None. Absent and not voting: Shaneyfelt.

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 Payne moved to approve Resolution 08-07, accepting a Lot Split created by Warranty Deed, dated May 2, 1979, from Jack and Yvonne Potts to Elmer and Lorraine Auch conveying the west 5' of Lot 19, all of Lot 20 and the east 40' of Lot 21, Pence Addition to Aurora, Hamilton County, Nebraska. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Payne and Ramsour. Nay: None. Absent and not voting: Shaneyfelt. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 08-07

WHEREAS, Jack A. Potts and Yvonne L. Potts, attempted to convey to Elmer Auch and Lorraine Auch, via a Joint Tenancy Warranty Deed filed with the Hamilton County Register of Deeds at Deed Record 69, Page 158, on May 4, 1979, the following described real property: The West Five Feet (5') of Lot Nineteen (19), all of Lot Twenty (20), and the East Forty Feet (40') of Lot Twenty One (21), Block Three (3), Pence Addition to Aurora, Hamilton County, Nebraska; and

WHEREAS, the City of Aurora wishes to approve said document thereby giving it force and effect pursuant to Neb. Rev. Stat. Section 19-916 (2001).

NOW THEREFORE BE IT RESOLVED that the City of Aurora hereby approves the aforementioned Joint Tenancy Warranty Deed so that it is given the same force and effect as any duly executed legal document.

Passed and adopted this 8<sup>th</sup> day of April, 2008.

Marlin Seeman  
Mayor

ATTEST:

Barbra Mikkelson  
City Clerk



Councilor Ramsour moved to award the bid for the purchase of the City owned lot on the corner of t 10<sup>th</sup> & J Streets to Habitat for Humanity for \$2,500. Councilor Anderson seconded the motion. Voting Aye: Helzer, Phillips, Payne, Ramsour and Anderson, Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Phillips moved to authorizing Mayor to sign all documents for CDBG public works grant for N Road and Hwy 34 improvements. Councilor Anderson seconded the motion. Voting Aye: Phillips, Payne, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Ramsour moved to supporting the Hamilton County Household Hazardous Waste Collection Event by covering half of overall costs. Councilor Helzer seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer and Payne. Nay: None. Absent and not voting: Shaneyfelt. 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 8:21 p.m.

Marlin Seeman  
Mayor

ATTEST:

Barbra Mikkelson  
City Clerk

