

Aurora, Nebraska  
April 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 April 22, 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 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 Ramsour moved to approve the minutes from the April 8 and April 16, 2008 meetings. Councilor Helzer 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:**

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 Phillips moved to bring Ordinance No. 889 before the council and to approve the third 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.

Councilor Ramsour moved for final adoption of Ordinance No. 889. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 889 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Payne, Ramsour and Anderson. 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. 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 third reading of this ordinance. Councilor Phillips seconded the motion. Voting Aye: Phillips, Payne, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Phillips moved for final adoption of Ordinance No. 892. Councilor Ramsour seconded the motion. The Mayor stated the question, "Shall Ordinance No. 892 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.

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 Helzer moved to bring Ordinance No. 893 before the council and to approve the third reading of this ordinance. Councilor Payne seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Councilor Anderson moved for final adoption of Ordinance No. 893. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 893 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.

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

Mayor Seeman opened the duly advertised public hearing to obtain public comments prior to the consideration of a resolution of the City approving a cost benefit analysis, a redevelopment plan amendment, including a redevelopment contract; and related matters.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed resolution. Mike Bacon acting as legal council for the Community Redevelopment Authority explained the details of the resolution. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed resolution and there was no one. There being no one else present to speak in favor of or opposition to the proposed resolution the Mayor declared the public hearing closed.

Councilor Phillips moved to approve Resolution 08-08 approving a cost benefit analysis, a redevelopment plan amendment, including a redevelopment contract; and related matters. Councilor Payne 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 NO. 08-08

#### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF AURORA, NEBRASKA APPROVING A COST BENEFIT ANALYSIS, A REDEVELOPMENT PLAN AMENDMENT, INCLUDING A REDEVELOPMENT CONTRACT; AND RELATED MATTERS

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 Attachment 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 Plan"), in the form attached hereto as Attachment 2, for the redevelopment of the Redevelopment Area and intends to divide certain ad valorem taxes as provided in Section 18-2147 of the Act on that portion of the Redevelopment Area legally described on Attachment 3 (the "Project Area") to assist in the redevelopment thereof; and

WHEREAS, the Authority and the Planning Commission of the City (the "Planning Commission") have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

WHEREAS, the City has reviewed the Redevelopment Plan, conducted a cost benefit analysis and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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

Section 1. The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Authority, that (a) the redevelopment project described in the Redevelopment Plan would not be economically feasible without the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the City, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The City acknowledges receipt of notice of intent to enter into the redevelopment contract included within the Redevelopment Plan in accordance with Section 18-2119 of the Act, and the recommendations of the Authority and the Planning Commission with respect to the Redevelopment Plan.

Section 2. The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Mayor in his sole and absolute discretion. The Chair and Secretary of the Authority are hereby authorized to execute the redevelopment contract contained within the Redevelopment Plan for and on behalf of the Authority.

Section 3. The City Council has conducted a cost benefit analysis for the Project in accordance with the Act, and has found and hereby finds that the Project would not be economically feasible without the use of tax increment financing, the Project would not occur in the Project Area without the use of tax increment financing and the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, have been analyzed and have been found to be in the long term best interests of the community impacted by the Project.

Section 4. In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Project Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date of this provision as provided in Section 18-2147 of the Act, which effective date shall be January 1, 2008:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

Section 4. The Chair and Secretary of the Authority are hereby authorized and directed to execute the Redevelopment Contract with such amendments as are deemed appropriate in the sole discretion of the Chairman of the Authority and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

Passed and approved this 22<sup>nd</sup> day of April, 2008.

*Marlin Seeman*

Mayor

ATTEST:

*Barbara Mickelsen*  
City Clerk



**7:40 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 Lone Tree Builders, LLC to approve a preliminary plat of Green Way Subdivision a part of the Northwest Quarter (NE ¼) of the Southwest Quarter (SW ¼) Section Three (3), Township Ten (10) 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. Jim Clarke of Lone Tree Builders, LLC reviewed the preliminary plat. Zoning Administrator Rick Melcher stated that the Planning Commission was recommending approval of the preliminary plat with exceptions. 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.

Councilor Ramsour moved to accept the recommendation of the Planning Commission to approve the request from Lone Tree Builders, LLC to approve a preliminary plat of Green Way Subdivision a part of the Northwest Quarter (NE ¼) of the Southwest Quarter (SW ¼) Section Three (3), Township Ten (10) North, Range Six (6) West of the 6th P.M., Hamilton County, NE. Councilor Payne 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 approve the Planning Commission's recommendation of waiving the sidewalk requirement for Green Way Subdivision. Councilor Payne seconded the motion. Discussion was held on this topic. Voting Aye: Phillips, Payne, Ramsour and Anderson. Nay: Helzer. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Ramsour moved to approve the Planning Commission's recommendation to allow lay back curbs in Green Way Subdivision. Councilor Phillips seconded the motion. Discussion was held on this topic. Voting Aye: Phillips. Nay: Payne, Ramsour, Anderson and Helzer. Absent and not voting: Shaneyfelt. The motion failed.

Senior Center representative Barb Graham reviewed the budget for the Senior Center. The request is for a 2½% increase from 2007. The 2007 amount was \$17,360.00 so the 2008 request is \$17,794. Councilor Phillips declared a conflict of interest and therefore he would be abstaining on any vote taken. Councilor Ramsour moved to approve the Senior Center request of \$17,794. Councilor Payne seconded the motion. Voting Aye: Payne, Ramsour, Anderson and Helzer. Nay: None. Abstain: Phillips. Absent and not voting: Shaneyfelt. The motion carried.

Councilor Anderson moved to approve Resolution 08-09 approving the application of the Hamilton County Public Transportation to request Public Transportation Assistance. Councilor Ramsour seconded the motion. Voting Aye: Ramsour, Anderson, Helzer and Payne. Nay: None. Abstain: Phillips. Absent and not voting: Shaneyfelt. The motion carried and the following resolution was passed and adopted.

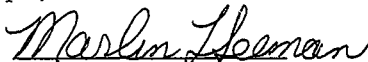
#### RESOLUTION 08-09

WHEREAS, there are Federal funds available under Section 5311 of the Federal Transit Act, as amended, and for Nebraska Public Transportation Act Funds, and

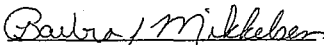
WHEREAS, Hamilton County Public Transportation, a private, nonprofit organization, desires to apply for said funds to be used to provide public transportation in Hamilton County with special emphasis on meeting the needs of the elderly and disabled persons.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL of the City of Aurora, who have reviewed the application of Hamilton County Public Transportation for said funds and does hereby certify that the Hamilton County Public Transportation is considered to be capable of providing public transportation for persons of Hamilton County.

Passed and adopted this 22<sup>nd</sup> day of April, 2008.

  
Mayor

ATTEST:

  
City Clerk



Karen Grossnicklaus of the Aurora Prom Committee requested permission to close "M" Street from 4<sup>th</sup> Street to 2<sup>nd</sup> Street to parking from 8:00p.m. to 9:00p.m. on April 26<sup>th</sup> during prom. By eliminating parking in this area for this time it would eliminate a lot of traffic congestion. Councilor Phillips moved to approve the request to close "M" Street from 4<sup>th</sup> Street to 2<sup>nd</sup> Street to parking from 8:00p.m. to 9:00p.m. on April 26<sup>th</sup> during prom. Councilor Ramsour 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 deny the request from Lonetree Builders for about 8000 yards of dirt from the southwest cell wall to use in the new roadway and the lots of Greenway Drive. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Payne, Ramsour and Anderson. 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 8:24 p.m.

*Merlin Seeman*  
Mayor

**ATTEST:**

*Barbra Milkeisen*  
City Clerk

