

Aurora, Nebraska  
May 13, 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 May 13, 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 Officer Troy Starr, Water/Sewer Commissioner Rick Melcher and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on May 7, 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 Shaneyfelt moved to approve the minutes from the April 22, 2008 meeting. 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 April 30, 2008. Councilor Ramsour 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 on the recommendation of the Planning Commission to approve the request from request from Lone Tree Builders, LLC to approve a final plat of Green Way Subdivision a part of the Northeast 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. Tylor Bottorff of JEO Consulting 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.

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

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the inclusion of Green Way 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. 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.

Councilor Ramsour moved to approve Resolution 08-10, approving final plat of Green Way Subdivision and its inclusion within the corporate limits of the city of Aurora, contingent upon ownership transfer being completed and approval of state agencies has been received. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried and the following resolution was declared passed and adopted.

**RESOLUTION NO. 08-10**

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the final plat of Green Way Subdivision, a part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) Section Three (3), Township Ten (10) 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 Green Way Subdivision meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

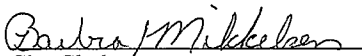
WHEREAS, the Aurora Planning Commission has recommended to the City Council approval of the final plat to be known as Green Way Subdivision and has recommended that it be included within the Corporate limits, and the City Council on this date has voted for approval of this Subdivision; and has voted 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 Green Way 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 May, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



City Attorney Luzum read Ordinance No. 895 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 NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) SECTION THREE (3), TOWNSHIP TEN (10) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA.

Councilor Payne moved to bring Ordinance No. 895 before the council and to approve the first reading of this ordinance. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. 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, Green Way Subdivision a part of the Northeast 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.

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. 896 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: GREEN WAY SUBDIVISION, CITY OF AURORA, A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) SECTION THREE (3), TOWNSHIP TEN (10) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM R-1, RESIDENTIAL ZONING DISTRICT DESIGNATION TO R-2, RESIDENTIAL ZONING 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. 896 before the council and to approve the first reading of this ordinance. Councilor Ramsour seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

City Attorney Luzum read Ordinance No. 897 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 GREEN WAY SUBDIVISION, CITY OF AURORA, A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) SECTION THREE (3), TOWNSHIP TEN (10) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA, BE CHANGED TO ZONING DISTRICT DESIGNATION RESIDENTIAL ZONING DISTRICT (R-2).

Councilor Phillips moved to bring Ordinance No. 897 before the council and to approve the first reading of this ordinance. Councilor Payne seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Councilor Ramsour moved to approve the final plans and specs for infrastructure for Green Way Subdivision and authorize advertising for bids contingent upon ownership transfer being completed and approval of state agencies has been received. Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained Change Order No. 2 for Robin Drive Improvements. Councilor Ramsour moved to approve Change Order No. 2 for Robin Drive Improvements a decrease of \$500.00. Councilor Anderson seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting reviewed pay application No. 3 and final for A&R Construction for Robin Drive Improvements for \$4,010.74. Councilor Payne moved to approve pay application No. 3 and final for A&R Construction for Robin Drive Improvements for \$4,010.74. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Councilor Payne moved to accept the "Recommendation of Acceptance" for Robin Drive Improvements. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented the agreement with JEO Consulting to provide for analysis in regards to a review of the equipment necessary and potential cost impacts to the City water system for the addition of fluoride to the water system. Councilor Ramsour moved to authorize the Mayor to enter into an agreement with JEO Consulting regarding impacts to the City water system for the addition of fluoride to the water system. Councilor Anderson seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented the agreement with JEO Consulting to provide for analysis in regards to a review of the possible impacts of the proposed NPDES permit discharge limits for City's wastewater treatment facility and possible improvements to the facility to improve capacity. Councilor Shaneyfelt moved to authorize the Mayor to enter into said agreement. Councilor Phillips seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained Change Order No. 1 for Downtown Historical Lighting for M. E. Collins for \$5,617.50. Councilor Ramsour moved to approve Change Order No. 1 for Downtown Historical Lighting for M. E. Collins for \$5,617.50. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

Councilor Shaneyfelt moved to approve Cost Breakdown Form No. 20 for the Historic Lighting Project to JEO for \$1,042.72. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None. The motion carried.

Councilor Ramsour moved to approve Cost Breakdown Form No. 10 for Utilities Relocation Hwy 14-H Street for \$38.68 for Non Betterment work. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Councilor Payne moved to approve Cost Breakdown Form No. 10 for Utilities Relocation Hwy 14-H Street for \$38.68 for Betterment work. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Water/Sewer Commissioner Rick Melcher explained Nebraska Warn - Water and Wastewater and Storm Water Mutual Aid Agreement. Councilor Ramsour moved to authorize the Mayor to enter into the Nebraska Warn agreement. Councilor Helzer seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Councilor Shaneyfelt moved to approve the request from the Food Pantry to allow "N" Street between 12th and 11th Streets to be designated as one-way during the time of the 10/11 Can Caravan, June 3, 2008, 8:00 a.m. to 3:00 p.m. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Councilor Shaneyfelt moved to approve the request from Faith Community Church to close "J" Street North of Faith Community Church (between 13th and 12th Streets) for concert and ice cream social on May 31, 2008 from 7:00p.m. to 8:30 p.m. 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 8:10 p.m.

ATTEST:

*Paula J. Mikkelsen*  
City Clerk

*Marlene Seeman*  
Mayor

