

Aurora, Nebraska
June 10, 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 June 10, 2008 at the City Hall. Present were Councilors: Jack Payne, 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 and Clerk/Treasurer Barbra Mikkelsen

Notice of said meeting was given by publication in the Aurora News Register on June 4, 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 May 13 and May 21, 2008 meetings. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

Mayor Seeman thanked all the volunteers and city workers for their efforts towards storm cleanup.

REPORTS BY OFFICERS, BOARD, COMMITTEES:

Clerk/Treasurer Mikkelsen presented the Expenditure and Clerk/Treasurer reports for the month ending May 31, 2008. Councilor Phillips moved to approve said reports. Councilor Helzer seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour. 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 and Anderson. Nay: None. Abstain: Payne. Absent and not voting: Ramsour. 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 an application to the Department of Economic Development for a Community Development Block Grant. The City of Aurora is requesting \$355,000 of which \$350,000 will be utilized for paying benefiting the expansion Aventine Renewable Energy Aurora West, LLC. The remaining \$5,000 will be used for admin fees. Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the application. There being no one

present that wished to speak in favor of or in opposition to the application the mayor declared the public hearing closed.

Councilor Shaneyfelt moved authorize the Mayor to make application to the Department of Economic Development for a Community Development Block Grant. Councilor Payne seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Anderson and Helzer. Nay: None. Absent and not voting: Ramsour. The motion carried.

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 Phillips moved to bring Ordinance No. 895 before the council and to approve the second reading of this ordinance. Councilor Anderson seconded the motion. Voting Aye: Shaneyfelt, Payne, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried.

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 suspend the statutory three reading rule for consideration of this Ordinance. Councilor Payne seconded the motion. Voting Aye: Payne, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. 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. 896. Councilor Phillips seconded the motion. The Mayor stated the question, "Shall Ordinance No. 896 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Anderson, Helzer Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour.

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. 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 Payne moved to bring Ordinance No. 897 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour. 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. 897. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 897 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Payne and Anderson. Nay: None. Absent and not voting: Ramsour.

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 accept the petitions for formation of water and sanitary sewer assessment districts for Greenway Subdivision. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Anderson and Helzer. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Phillips moved to accept the Planning Commissions recommendation and approve blister parking at 904 12th Street with the enforcement of sight the triangle. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Payne, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Shaneyfelt moved to authorize the Mayor to enter into an agreement with NDOR for the design and a cost estimate of a left turn lane on Hwy 14. Councilor Phillips seconded the motion. Voting Aye: Payne, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Helzer moved to approve Cost Breakdown Form No. 21 for the Historic Lighting Project to JEO for \$2,510.67. Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour. The motion carried.

Tylor Bottorff of JEO Consulting reviewed Pay Application No. 1 for Diamond Engineering. Councilor Shaneyfelt moved to approve Pay Application No. 1 for Diamond Engineering for Wetherington Heights Improvements for \$39,580.69. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour. The motion carried.

Justin Stine of JEO Consulting reviewed the agreement with JEO Consulting for the Sewer Rehab Project. Councilor Payne moved to authorize the Mayor to enter into an agreement with JEO Consulting for the Sewer Rehab Project. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne and Anderson. Nay: None. Absent and not voting: Ramsour. The motion carried.

Justin Stine of JEO Consulting shared information regarding projected capital expenses for compliance with mandatory fluoridation requirements. A discussion was held on this topic.

Cal Strong explained the request from B-Strong to close 12th Street between "N" & "M" Streets, Saturday June 28th for a street dance from 3:00p.m. until 10:00p.m. Councilor Phillips moved to approve the request to close 12th Street between "N" & "M" Streets, Saturday June 28th for a street dance from 3:00p.m. until 10:00p.m. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Anderson and Helzer. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Shaneyfelt moved to approve the request from The Scrapbook Page to install an awning that would overhang City Right of Way. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Payne, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Shaneyfelt moved to authorize the Mayor to enter into agreements to establish a VEBA Plan and a new 457 Plan. Councilor Payne seconded the motion. Voting Aye: Payne, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Phillips moved to approve the applications to sell fireworks, received from: James Clarke dba Fireworks 4-Less (Aurora Mall), Richard Ludvik dba Ka-Boomer's Half Price Fireworks (Pin Setter's), Jim Stannard/Bellino Fireworks, Inc. (Hwy 14 & I-80 CTR Investments), Keith Christensen dba Christensen Fireworks (Dollar General). Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips and Payne. Nay: None. Abstain: Shaneyfelt. Absent and not voting: Ramsour. The motion carried.

Councilor Phillips moved to approve the certification of the City Administrator's approval of a lot split for the following: Part of Lot One (1) and all of Lot Two (2), AVC Addition, City of Aurora, Hamilton County, NE. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Shaneyfelt moved to approve the certification of the City Administrator's approval of a lot split for the following: Parcel 3-All of Lot Fourteen (14) EXCEPT that part of Lot Fourteen (14), described as a five foot wide strip along and contiguous with the common lot line between Lots Fourteen (14) and Fifteen (15) all in Lincoln Creek Subdivision, City of Aurora, Hamilton County, NE. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne and Anderson. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Shaneyfelt moved to approve Resolution 08-11 designating a handicapped parking space at the first parking space located east of the alley on the North side of M Street between 1103 M Street and 1115 M Street. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Anderson and Helzer. Nay: None. Absent and not voting: Ramsour. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 08-11

WHEREAS, pursuant to the Statutes of the State of Nebraska, including section 18-1736, the City of Aurora may designate parking spaces for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates or permits;

WHEREAS, the City of Aurora has received a request to designate as a parking space for the exclusive use of handicapped or disabled persons the following parking space: the first parking space located East of the alley on the North side of M Street between 1103 M Street and 1115 M Street, Aurora, Nebraska; and

WHEREAS, after due consideration, the City of Aurora desires to designate the first parking space located East of the alley on the North side of M Street between 1103 M Street and 1115 M Street, Aurora, Nebraska, as a parking space for the exclusive use of the handicapped or disabled persons.

NOW THEREFORE BE IT RESOLVED that the first parking space located East of the alley on the North side of M Street between 1103 M Street and 1115 M Street, Aurora, Nebraska, shall be designated a handicapped or disabled persons parking space and shall be indicated by posting aboveground and immediately adjacent to and visible from such space a sign which is in conformance with the Manual on Uniform Traffic Control Devices.

Passed and adopted this 10th day of June, 2008.

Marlin Seeman

ATTEST:

Barbra Mikkelsen
City Clerk



Councilor Phillips moved to approve the Mayor's appointments to various boards and committees. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Payne, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried and the following appointments were made.

Planning Commission: Mark Shaneyfelt, Mike Penner, Jan Dick
Board Of Adjustment: Doug Moss
Aurora Housing Authority: Jody Griffith
Hamilton Co Joint Airport Zoning Board: Cliff Jensen, Rod Rudebusch, James Jensen

MISCELLANEOUS:
ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:25 p.m.

Marlin Seeman
Mayor

ATTEST:

Barbra Mikkelsen
City Clerk

