

Aurora, Nebraska
July 1, 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 July 1, 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 Attorney Ross Luzum, Police Chief Godfrey Brokenrope, Water/Sewer Commissioner Rick Melcher and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was posted at six different public locations on June 25, 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 June 10, 2008 meetings. 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:

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 Ramsour moved to bring Ordinance No. 895 before the council and to approve the third reading and final reading of this ordinance. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

Councilor Phillips moved for final adoption of Ordinance No. 895. Councilor Payne seconded the motion. The Mayor stated the question, "Shall Ordinance No. 895 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None.

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. 899 by its title: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2008, OF THE CITY OF AURORA, NEBRASKA, OF THE PRINCIPAL AMOUNT OF SIX HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$655,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 178 PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; DETERMINING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS OF THE CITY AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilor Payne moved to bring Ordinance No. 899 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. 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. 899. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 899 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None.

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. 900 by its title: AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 2008-1 OF THE CITY OF AURORA, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF WATER MAINS AND WATER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

Councilor Phillips moved to bring Ordinance No. 900 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, Phillips and Shaneyfelt. Nay: None. 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. 900. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 900 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None.

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. 901 by its title: AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 42 OF THE CITY OF AURORA, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF SEWER MAINS AND SEWER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

Councilor Shaneyfelt moved to bring Ordinance No. 901 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Ramsour seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. 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. 901. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 901 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None.

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 plans and specs for paving, grading and storm sewers for Green Way Subdivision. Councilor Shaneyfelt moved to approve the plans and specs for paving, grading and storm sewers for Green Way Subdivision. Councilor Payne seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting reviewed the bids received for the sanitary sewer for Greenway Subdivision. Councilor Ramsour moved to award the bid for sanitary sewer for Greenway Subdivision to Rutjens Construction, Inc. of Tilden, NE for \$262,580.44. Councilor Payne seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting reviewed an agreement with Terracon for geotechnical exploration for the Northridge project. Councilor Shaneyfelt moved to authorize the Mayor to enter into an agreement with Terracon for geotechnical exploration for the Northridge project. Councilor Phillips seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Councilor Phillips moved to authorize city staff to advertise for bids for Sewer Rehabilitation Project (slip lining). Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented Pay Application No. 1 for Water Tower Repainting and Safety Modification Project to Maguire Iron, Inc. for \$32,841. Councilor Phillips moved to approve Pay Application No. 1 for Water Tower Repainting and Safety Modification Project to Maguire Iron, Inc. for \$32,841. Councilor Ramsour seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

City Attorney Luzum read Ordinance No. 902 by its title: AN ORDINANCE OF THE CITY OF AURORA, NEBRASKA, AMENDING CHAPTER 6, ARTICLE 3 OF THE AURORA MUNICIPAL CODE, ADDING "CITY PARKS AND CEMETERY CURFEWS"; AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Councilor Phillips moved to bring Ordinance No. 902 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Ramsour seconded the motion. Discussion was held on the need for this ordinance. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None. 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. 902. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 902 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None.

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.

Dave Ziska of Olsson and Associates reviewed the application for an "Undercrossing City Right of Way" permit for a proposed gas line that is being ran to the Aventine facility. Councilor Shaneyfelt moved to approve the application for an "Undercrossing City Right of Way" permit for a proposed gas line that is being ran to the Aventine facility. Councilor Payne seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

City Attorney Luzum read Ordinance No. 903 by its title: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND, 2008A SERIES, OF THE CITY OF AURORA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$331,000), IN THE FORM OF PROMISSORY NOTES ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND, 2008B SERIES, OF THE CITY OF AURORA, NEBRASKA, IN THE MAXIMUM PRINCIPAL AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000), IN THE FORM OF PROMISSORY NOTES ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR IMPROVEMENTS TO THE CITY'S SANITARY SEWER SYSTEM; APPROVING THE FORM OF SAID BONDS (ISSUED AS A SINGLE PROMISSORY NOTE FOR EACH SERIES) AND RELATED LOAN AGREEMENTS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE COMBINED WATER AND SEWER UTILITIES OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE ISSUANCE AND SALE OF SAID BONDS; AUTHORIZING THE DELIVERY OF SAID BONDS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; DETERMINING THAT INTEREST ON SAID BONDS SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SAID BONDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilor Ramsour moved to bring Ordinance No. 903 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. 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. 903. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 903 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None.

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. 904 by its title: AN ORDINANCE AUTHORIZING THE ISSUANCE OF REPLACEMENT BONDS AND AMENDMENT TO LOAN AGREEMENTS TO RESTATE THE PAYMENT SOURCE FOR THE INDEBTEDNESS OUTSTANDING UNDER SUCH LOAN AGREEMENTS AND THE PROMISSORY NOTES ISSUED IN CONNECTION THEREWITH TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR IMPROVEMENTS TO THE CITY'S WATER SYSTEM AND SANITARY SEWER SYSTEM; APPROVING THE FORM OF REPLACEMENT BONDS AND AMENDMENTS TO SAID LOAN AGREEMENTS; PROVIDING FOR THE PAYMENT OF SAID INDEBTEDNESS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilor Phillips moved to bring Ordinance No. 904 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. 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. 904. Councilor Phillips seconded the motion. The Mayor stated the question, "Shall Ordinance No. 904 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None.

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 Ramsour moved to authorize the Mayor to enter into an agreement with Upper Big Blue NRD for development of a walking trail to Pioneer Trails Recreation Area. Councilor Shaneyfelt seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Councilor Shaneyfelt moved to approve the certification of the City Administrator's approval of a lot split for the following: : (TRACT #1) All of Lot Two (2) except the east Twenty Four (24) feet, Roszhart Subdivision, City of Aurora, Hamilton County, NE. Councilor Payne seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

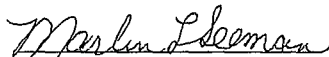
Councilor Ramsour moved to approve request from Procter & Gamble Pet Care (IAMS) to close the streets to the square for their Pet Parade, July 10th, 5:15 p.m. to 5:45 p.m. Councilor Anderson seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Councilor Anderson moved to approve the request from Grand Island Crisis Center for funding for FY 2008-2009 for \$1,200. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

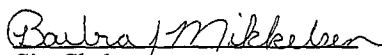
MISCELLANEOUS:

ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:23 p.m.


Mayor

ATTEST:


City Clerk

