

Aurora, Nebraska
November 11, 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 November 11, 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 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 November 5, 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 Ramsour moved to approve the minutes from the October 28, 2008 meeting. Councilor Phillips 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 October 31, 2008. Councilor Payne moved to approve said reports. Councilor Helzer 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.

Councilor Shaneyfelt moved to approve Resolution 08-22 Levying Special Assessments for Downtown Project. 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. 08-22

RESOLUTION LEVYING SPECIAL ASSESSMENTS IN STREET
IMPROVEMENT DISTRICT NO. 172, ALLEY IMPROVEMENT DISTRICT
NOS. 2005-01, 2005-02, 2005-03, 2005-04, 2005-05 AND 2005-06 OF THE CITY OF
AURORA, NEBRASKA.

WHEREAS, published notice of a hearing regarding the levy of special assessments has been published as required by law and notice has been mailed to all owners of property within Street Improvement District No. 172 and Alley Improvement District Nos. 2005-01, 2005-02, 2005-03, 2005-04, 2005-05 and 2005-06 concerning the levy of special assessments in said Districts by the City of Aurora, Nebraska; and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said Districts proposed to be levied against the lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT RESOLVED that the special assessments as shown on the attached Exhibit A, are adjusted as follows:

(List of Adjustments Attached on Exhibit "B")

BE IT FURTHER RESOLVED, that said assessments (as adjusted) against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements and are hereby levied; and

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this Resolution and may be paid within that time without interest, but if not so paid, to bear interest thereafter at the rate of six percent (6%) per annum from the date of the passage of this resolution until delinquent; such special assessments shall become delinquent as follows:

December 31, 2008	one fifteenth
November 11, 2009	one fifteenth
November 11, 2010	one fifteenth
November 11, 2011	one fifteenth
November 11, 2012	one fifteenth
November 11, 2013	one fifteenth
November 11, 2014	one fifteenth
November 11, 2015	one fifteenth
November 11, 2016	one fifteenth
November 11, 2017	one fifteenth
November 11, 2018	one fifteenth
November 11, 2019	one fifteenth
November 11, 2020	one fifteenth
November 11, 2021	one fifteenth
November 11, 2022	one fifteenth

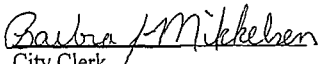
Delinquent specials shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at any time at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of this Resolution and the said schedule of special assessments shall be filed in the office of the Clerk of Hamilton County, Nebraska, and in the office of the Treasurer of Hamilton County, Nebraska, for recording on the proper tax lists, all as provided by law.

PASSED this 11th day of November, 2008.


Mayor

ATTEST:


City Clerk



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 Aurora Development Corporation/HGI to approve a preliminary plat of a Replat of Woodard 1st Addition to the City of Aurora, Located in the SE ¼ of Section 21, T10N, R6W 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. Zoning Administrator Rick Melcher stated that the Planning Commission was recommending approval of the preliminary 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.

Councilor Ramsour moved to accept the recommendation of the Planning Commission to approve the request from Aurora Development Corporation/HGI to approve a preliminary plat of a Replat of Woodard 1st Addition to the City of Aurora, Located in the SE ¼ of Section 21, T10N, R6W of the 6th P.M., Hamilton County, NE. Councilor Payne seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

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 Aurora Development Corporation/HGI to approve a final plat of a Replat of Woodard 1st Addition to the City of Aurora, Located in the SE ¼ of Section 21, T10N, R6W 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. 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.

Councilor Payne moved to approve Resolution 08-23 final plat of a Replat of Woodard 1st Addition to the City of Aurora, Located in the SE ¼ of Section 21, T10N, R6W of the 6th P.M., Hamilton County, NE. Councilor Shaneyfelt seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO.08-23

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the final plat of Woodard 2nd Subdivision, a replat of a part of the Southeast Quarter (SE1/4), of Section Twenty One (21), Township Ten (10) North, Range Six (6) West of the 6th P.M., Woodard 1st Subdivision, City of Aurora, 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 Woodard 2nd Subdivision meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

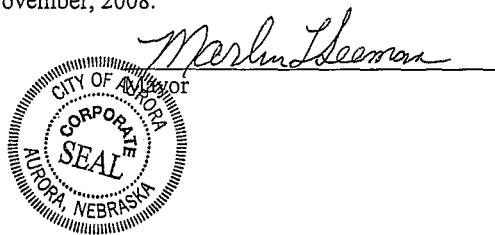
WHEREAS, the Aurora Planning Commission has recommended to the City Council approval of the final plat to be known as Woodard 2nd Subdivision and has recommended that it be included within the Corporate limits, and the City Council on this date has voted for approval of this Subdivision; and has voted 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 Woodard 2nd 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 11th day of November, 2008.

ATTEST:

Barbra Mikkelson
City Clerk



Dave Ziska of Olsson & Associates presented Pay Application No. 4 for Diamond Engineering for Highway 34 & N Road Project for \$331,173.00. Councilor Payne moved to approve Pay Application No. 4 for Diamond Engineering for Highway 34 & N Road Project for \$331,173.00. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried

City Attorney Luzum read Ordinance No. 916 by its title: AN ORDINANCE VACATING THE EASEMENT RUNNING THROUGH A PART OF LOT 6, LOT 9 AND OUTLOT 7 OF AURORA WEST SUBDIVISION REPLAT, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilor Ramsour moved to bring Ordinance No. 916 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, 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. 916. Councilor Shaneyfelt seconded the motion. The Mayor stated the question, "Shall Ordinance No. 916 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 Aventine Renewable Energy-Aurora West, LLC transferring ownership of the sewer main from the City to Aventine. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Tylor Bottorff of JBO Consulting explained the "Recommendation of Acceptance" for the Green Way Subdivision. He stated that the warranty period would start as of the date of acceptance. Councilor Phillips moved to accept the "Recommendation of Acceptance" for the Green Way Subdivision. 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. 917 by its title: AN ORDINANCE RELATING TO FLUORIDATION; TO PROHIBIT THE ADDITION OF FLUORIDE TO THE CITY'S WATER SYSTEM; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

Councilor Payne moved to bring Ordinance No. 917 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 Ramsour moved for final adoption of Ordinance No. 917. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 917 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. 918 by its title: AN ORDINANCE VACATING THE EAST FIFTEEN (15.00) FEET OF 5TH STREET ADJACENT TO LOTS SIX (6) AND SEVEN (7), BLOCK NINETEEN (19), ELLSWORTH ADDITION, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA; REVERTING TITLE OF SAID PROPERTY TO THE OWNERS OF THE ABUTTING REAL ESTATE; 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. 918 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. 918. Councilor Phillips seconded the motion. The Mayor stated the question, "Shall Ordinance No. 918 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.

Chief of Police Brokenrope explained the interlocal agreement for joint law enforcement services through South Central Area Law Enforcement Services (SCALES). Councilor Anderson moved to authorize the Mayor to enter into an interlocal agreement for joint law enforcement services with SCALES. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. 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 8:03 p.m.

ATTEST:

Barbra Mikkelsen
City Clerk

Mark Seeman
Mayor

