

Aurora, Nebraska
December 9, 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 December 9, 2008 at the City Hall. Present were Councilors: 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, Water/Sewer Commissioner Rick Melcher and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on December 3, 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 November 25, 2008 meeting. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. 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 November 30, 2008. Councilor Phillips moved to approve said reports. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, and Ramsour. Nay: None. Absent and not voting: Payne. 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 Ramsour seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Payne. The motion carried. A listing of said claims is attached to these minutes.

Zoning Administrator Melcher explained the request from Carlin and Chris Engert for an application for a permit to keep animals for the property located at J & F 1st Subdivision. Councilor Ramsour moved to approve the request from Carlin and Chris Engert for an application for a permit to keep animals for the property located at J & F 1st Subdivision. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Payne. The motion carried.

City Attorney Luzum read Ordinance No. 922 by its title: AN ORDINANCE TO DIRECT SOUTHERN PUBLIC POWER DISTRICT TO PAY A FEE TO THE CITY OF AURORA, AS OUTLINED HEREAFTER, FOR THE ELECTRICAL SERVICES PROVIDED TO ETHANOL PLANTS IN THAT PART OF THE CITY WHICH WAS ANNEXED TO THE CITY OF AURORA BY ORDINANCE NO. 843 AND ORDINANCE N. 892, AND TO PROVIDE AN EFFECTIVE DATE THEREFORE.

Councilor Phillips moved to bring Ordinance No. 922 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Ramsour seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Payne. 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. 922. Councilor Phillips seconded the motion. The Mayor stated the question, "Shall Ordinance No. 922 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne.

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. 923 by its title: AN ORDINANCE TO DIRECT ALL NATURAL GAS DISTRIBUTORS TO PAY A FEE TO THE CITY OF AURORA, AS OUTLINED HEREAFTER, FOR THE NATURAL GAS SERVICES PROVIDED TO ETHANOL PLANTS IN THAT PART OF THE CITY WHICH WAS ANNEXED TO THE CITY OF AURORA BY ORDINANCE NO. 843 AND ORDINANCE NO. 892, AND TO PROVIDE AN EFFECTIVE DATE THEREFORE.

Councilor Ramsour moved to bring Ordinance No. 923 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. 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. 923. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 923 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Anderson, Helzer, Phillips, Shaneyfelt and Ramsour. Nay: None. Absent and not voting: Payne.

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 Anderson moved to approve Resolution 08-26 an Interlocal agreement with the Rural Apprehension Program (RAP) for \$2,112.50. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Payne. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 08-26

WHEREAS, law enforcement agencies with the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster and York desire to enter into a cooperative law enforcement effort; and
WHEREAS, the above agencies have submitted a grant application known as the Rural Apprehension Program (hereafter RAP 18 #08-MI-802); and

WHEREAS, the RAP project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, communities, and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and;

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et.seq, would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purposes of carrying out the RAP objectives and grant requirements of the Nebraska Crime Commission.

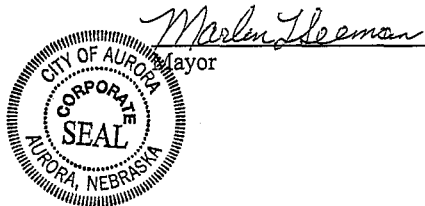
BE IT RESOLVED THAT: The City of Aurora authorizes the Chief of Police, to enter the City of Aurora into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city and village. (Nebraska Revised Statute 13-801).

Amount of match dollars allocated by the City of Aurora for the 2008-2009 grant period (RAP 19) will be \$2,112.50. (2000 census 4,225 x \$0.50)

Passed and adopted this 9th day of December, 2008

ATTEST:

Barbra Mikkelsen
City Clerk



Councilor Shaneyfelt moved to authorize the Mayor to enter into an agreement with the Aurora Humane Society for construction of additional dog runs at the City Landfill. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Payne. The motion carried.

Tylor Bortorff of JEO Consulting reviewed Cost Breakdown Form No. 26 for the Historic Lighting Project. Councilor Ramsour moved to approve Cost Breakdown Form No. 26 for the Historic Lighting Project to JEO for \$331.50. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Payne. The motion carried.

Jim Jackson of JEO Consulting reviewed Change Order No. 1 for Madison Avenue Project to A & R Construction for \$568.75. Councilor Shaneyfelt moved to approve Change Order No. 1 for Madison Avenue Project to A & R Construction for \$568.75. Councilor Anderson seconded the motion Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Payne. The motion carried.

Jim Jackson of JEO Consulting explained Pay Application No. 1 for A & R Construction for Madison Avenue for \$267,714.96. Councilor Ramsour moved to approve Pay Application No. 1 for A & R Construction for Madison Avenue for \$267,714.96. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Ramsour. Nay: None. Absent and not voting: Payne. The motion carried.

REORGANIZATION OF COUNCIL

City Attorney Luzum gave the oath of office to newly elected officials Paul Shaneyfelt, 2nd Ward; Bruce Ramsour, 1st Ward; Wayne Roblee, 3rd Ward.

Councilor Ramsour nominated Councilor Richard Phillips for Council President and to cease nominations. Councilor Helzer moved to elect Councilor Phillips Council President for 2009. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Shaneyfelt, Roblee and Ramsour. Nay: None. Abstain: Phillips. The motion carried. Councilor Phillips was elected Council President for 2009.

Mayor Seeman made the following appointments of City Officials/Department Heads for 2009:

City Administrator (per contract)	Michael W. Bair
City Law Firm	Powell & Associates
City Physician	Michael Sullivan
City Engineer (Streets, Water, Sewer, Storm Sewer, Buildings and all other engineering services required.)	JEO Consulting Group, Inc.
City Clerk/Treasurer	Barbra J. Mikkelsen
Deputy Clerk	Carol A. Arent
Street Superintendent	Michael E. Eberhardt
Water/Sewer Commissioner	Eric L. Melcher
Waste Water Plant Superintendent	Gregory A. Meier
Fire Chief	Thomas D. Cox
Police Chief	Godfrey J. Brokenrope
Cemetery Sexton	Steven D. Patton
Librarian	Janette C. Thomsen
Park Superintendent	James L. Nietfeld
Police Officers: Paul L. Graham, Lieutenant, Ryan E. Dummer, Sergeant, Troy B. Starr, Patrolman II, Corey J. Dvorak, Patrolman II, Chad S. Mertz, Patrolman II, Rex R. Kinsey, Patrolman II.	

Councilor Phillips moved to accept the appointment of the City Officials/Department Heads as stated. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. The motion carried.

Mayor Seeman made the following appointments to Council Committees for 2009.

FEE/CLAIMS

CHRIS HELZER*
BRUCE RAMSOUR
WAYNE ROBLEE

PUBLIC WORKS

DICK PHILLIPS
DOTTIE ANDERSON*
PAUL SHANEYFELT

CONTRACTS

PAUL SHANEYFELT
CHRIS HELZER*
DOTTIE ANDERSON

PUBLIC SAFETY

DOTTIE ANDERSON
DICK PHILLIPS*
WAYNE ROBLEE

REC. & FACILITIES

BRUCE RAMSOUR*
WAYNE ROBLEE
CHRIS HELZER

SPECIAL COMMITTEE

PAUL SHANEYFELT*
BRUCE RAMSOUR
DICK PHILLIPS

Councilor Ramsour moved to designate the Aurora News Register as the Official Newspaper for the City of Aurora. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.