

Aurora, Nebraska
May 12, 2009

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 12, 2009 at the City Hall. Present were Councilors: Wayne Roblee, Bruce Ramsour, Dottie Anderson, Chris Helzer 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 May 6, 2009. 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 April 28, 2009 meeting. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Phillips. 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, 2009. Councilor Shaneyfelt moved to approve said reports. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Shaneyfelt, Roblee and Ramsour. Nay: None. Absent and not voting: Phillips. The motion carried.

Claims Committee Chairperson Helzer 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 Roblee seconded the motion. Voting Aye: Helzer, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. Absent and not voting: Phillips. The motion carried. A listing of said claims is attached to these minutes.

Brad Fegley of McDermott and Miller presented the audit of the City's financial statements for Fiscal Year 2007-2008. Councilor Ramsour moved to accept the audit of the City's financial statements for Fiscal Year 2007-2008. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Phillips. The motion carried.

Tylor Bottorff of JEO Consulting presented Change Order No. 1 for the Northridge Subdivision Water Main Bore Project and recommended approval of same. The change order is in the amount of a decrease of \$5,883.00. Councilor Anderson moved to approve Change Order No. 1 for the Northridge Subdivision Water Main Bore Project a decrease of \$5,883.00. Councilor Helzer seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Phillips. The motion carried.

Councilor Shaneyfelt moved to authorize the Mayor to enter into an agreement with Terracon for testing services for Northridge Subdivision. Councilor Roblee seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer and Shaneyfelt. Nay: None. Absent and not voting: Phillips. The motion carried.

No action taken on Agenda Item #8.

Tylor Bottorff of JEO Consulting presented Pay Application No.2 for A & R Construction for Madison Avenue for \$162,593.14 and recommended payment of same. Councilor Ramsour moved to approve Pay Application No.2 for A & R Construction for Madison Avenue for \$162,593.14. Councilor Shaneyfelt seconded the motion. Voting Aye: Anderson, Helzer, Shaneyfelt, Roblee and Ramsour. Nay: None. Absent and not voting: Phillips. The motion carried.

City Administrator Bair informed the council that Van Kirk Brothers construction had been contacted about laying the water line along Madison Ave. to the planned new business. The City crews had originally planned to lay the water line but with the city crews tied up laying the waterline to Northridge subdivision there wasn't time to get both projects completed in a timely manner. Van Kirk Brothers construction is laying the sewer line to serve the new business.

City Administrator Bair reviewed the request from Mr. and Mrs. Johnson 1218 3rd Street to vacate a portion of City street right-of-way. He stated that the Planning Commission denied the request and was recommending the City Council do the same. Councilor Shaneyfelt moved to accept the Planning Commissions recommendation and deny the request from Mr. and Mrs. Johnson 1218 3rd Street to vacate a portion of City street right-of-way. Councilor Roblee seconded the motion. Discussion was held on the topic of using City street right-of-way. Voting Aye: Helzer, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. Absent and not voting: Phillips. The motion carried.

Councilor Ramsour moved to approve Resolution 09-16 a reimbursement resolution for the Quiet Zone Project. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Phillips. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 09-16

BE IT RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska (the "City"), as follows:

Section 1. The Mayor and City Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

Concrete paving, concrete curb and gutter, concrete barrier curb, concrete median surfacing, signage, pavement markings and pavement removal with appurtenances and accessories, said improvements are or are to be located on first street beginning approximately 250 feet south of the main line track of the Burlington Northern and Santa Fe Railroad and ending approximately 230 feet north of said main line track; and approximately 230 feet of driveway relocation, earthwork, paving removal, concrete paving, chain link fence removal and reinstallation, drainage structures and signage with appurtenances and accessories, said improvements are or are to be located beginning at a point approximately 150 feet north of the main line track of the Burlington Northern and Santa Fe Railroad, thence easterly approximately 1150 feet to the end point of the improvements.

2. The maximum principal amount of debt expected to be issued for such project is \$200,000.

PASSED AND APPROVED this 12th day of May, 2009.

ATTEST:

Barbra J. Mikkelsen
City Clerk



Marlen Seeman
Mayor

City Administrator Bair explained the request from Poco Creek to use the City's right-of-way for a cart path through Greenway Subdivision. Councilor Roblee moved to approve the request from Poco Creek to use the City's right-of-way for a cart path through Greenway Subdivision. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Phillips. The motion carried.

Councilor Shaneyfelt moved to approve the request from the Food Pantry to allow "N" Street between 11th and 12th Streets to be designated as one-way during the time of the 10/11 Can Caravan, June 3, 2009, 8:00 a.m. to 3:00 p.m. Councilor Helzer seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer and Shaneyfelt. Nay: None. Absent and not voting: Phillips. 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 8:24 p.m.

Marlen Seeman
Mayor

ATTEST:

Barbra J. Mikkelsen
City Clerk

