

Aurora, Nebraska
September 8, 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 September 8, 2009 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 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 September 2, 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 August 25, 2009 meeting. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee. 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 August 31, 2009. Councilor Shaneyfelt moved to approve said reports. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt and Ramsour. Nay: None. Absent and not voting: Roblee. The motion carried.

Claims Committee Member 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 Ramsour seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Roblee. 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 on the Proposed Budget for FY 2009-2010. The Mayor asked if there was anyone present who wished to speak in favor of the Proposed Budget for FY 2009-2010. City Administrator Bair reviewed the proposed budget. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed budget, and there was no one. There being no one else present to speak in favor of or opposition to the Proposed Budget for FY 2009-2010 the Mayor declared the public hearing closed.

7:40 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments on setting City of Aurora Tax Levy for FY 2009-2010 at .324696 per one hundred dollars valuation (\$853,206.47) for General, at .0500 Interlocal Agreements and at .095521 (\$251,000.00) for Bonds.. The Mayor asked if there was anyone present who wished to speak in favor of the proposal. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposal, and there was no one. There being no one present to speak in favor of or opposition to the proposal the Mayor declared the public hearing closed.

Councilor Ramsour moved to exceed the budget lid by 1% as allowed by law for the budget for FY 2009-2010. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Roblee. The motion having been concurred in by seventy-five percent of the Council was declared passed.

City Attorney Luzum read Ordinance No. 936 by its title: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT, INCLUDING THE PAY PLAN , PENSION PLANS AND VEBA PLAN, TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilor Shaneyfelt moved to bring Ordinance 936 before the council and to suspend the statutory three reading rule for consideration of this ordinance. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Roblee. 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. 936. Councilor Helzer seconded the motion. Councilor Shaneyfelt stated that for the Pay Plan the City was getting a real bargain. The Mayor then stated the question, "Shall Ordinance No. 936 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: Roblee.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed and adopted and the Mayor 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 Record of the City of Aurora, Nebraska and same be incorporated herein by reference.

Councilor Phillips moved to adopt Resolution 09-24 setting City of Aurora Tax Levy for FY 2009-2010. Councilor Shaneyfelt seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 09-24

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

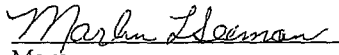
WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Aurora, by a majority vote, resolves that:

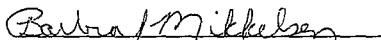
The 2009-2010 property tax request be set at .324696 per one hundred dollars valuation (\$853,206.47) for General, at .0500 Interlocal Agreements and at .095521 (\$251,000.00) for Bonds.

1. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2009.

Passed and adopted this 8th day of September, 2009.


Mayor

ATTEST:


City Clerk



City Attorney Luzum read Ordinance No. 937 by its title: AN ORDINANCE DIVESTING ALL PUBLIC RIGHTS IN AND VACATING ALL STREETS, ALLEYS, COMMONS, AND PUBLIC GROUNDS LAID OUT OR DESCRIBED IN WOODARD 1ST ADDITION AND WOODARD 2ND ADDITION, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, EXCEPT A PUBLIC UTILITY EASEMENT DESCRIBED BELOW; 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 Ramsour moved to bring Ordinance 937 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 Ramsour. Nay: None. Absent and not voting: Roblee. 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. 937. Councilor Ramsour seconded the motion. The Mayor stated the question, "Shall Ordinance No. 937 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Ramsour and Anderson. Nay: None. Absent and not voting: Roblee.

The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Mayor declared passed and adopted and the Mayor 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 Record of the City of Aurora, Nebraska and same be incorporated herein by reference.

Councilor Ramsour moved to adopt Resolution 09-25 regarding the Identity Theft Prevention Program. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Roblee. The motion carried and the following resolution was declared passed and adopted.

City of Aurora
Aurora, NE

Identity Theft Policy and Adopting Resolution

RESOLUTION NO. 09-25

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, Those rules become effective November 1, 2009, and require municipal utilities and other departments to implement an identity theft program and policy, and

WHEREAS, The City of Aurora has determined that the following policy is in the best interest of the municipality and its citizens. NOW, THEREFORE,

BE IT RESOLVED by the City of Aurora that the following is hereby approved:

IDENTITY THEFT POLICY

SECTION 1: BACKGROUND

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: PURPOSE

The municipality adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the municipality in compliance with state and federal law regarding identity theft protection.

This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

SECTION 4: POLICY

4.A: Sensitive Information Policy

4.A.1: Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

4.A.1.a: Credit card information, including any of the following:

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

4.A.1.b: Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

4.A.1.c: Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

4.A.1.d: Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Maiden name
3. Customer number

4.A.1.e: Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Nebraska Public Records Act and the municipality's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the municipality cannot resolve a conflict between this policy and the Nebraska Public Records Act, the municipality will contact the appropriate state office for a determination.

4.A.2: Hard Copy Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked or maintained in a secured area when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut. Municipal records, however, may only be destroyed in accordance with the city's records retention policy.

4.A.3: Electronic Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.

2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

If the municipality maintains certain covered accounts pursuant to federal legislation, the municipality may include the additional program details.

5.A: Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there are a reasonably foreseeable risk to the safety or soundness of the municipality from identity theft, including financial, operational, compliance, reputation, or litigation risks.

5.B: Red flags

5.B.1: The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

5.B.2: Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

- A recent and significant increase in the volume of inquiries;
- An unusual number of recently established credit relationships;
- A material change in the use of credit, especially with respect to recently established credit relationships; or
- An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

5.C: Suspicious documents

5.C.1: Documents provided for identification that appear to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.D: Suspicious personal identifying information

5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the municipality. For example:

- The address does not match any address in the consumer report;
- The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the municipality. For example, the address on an application is the same as the address provided on a fraudulent application

5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the municipality. For example:

- The address on an application is fictitious, a mail drop, or a prison; or
- The phone number is invalid or is associated with a pager or answering service.

5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.

5.D.5: The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

5.D.6: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

5.D.7: Personal identifying information provided is not consistent with personal identifying information that is on file with the municipality.

5.D.8: When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

5.E: Unusual use of, or suspicious activity related to, the covered account

5.E.1: Shortly following the notice of a change of address for a covered account, the municipality receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

5.E.2: A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

5.E.3: A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

- Nonpayment when there is no history of late or missed payments;
- A material change in purchasing or usage patterns

5.E.4: A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type

of account, the expected pattern of usage and other relevant factors).

5.E.5: Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

5.E.6: The municipality is notified that the customer is not receiving paper account statements.

5.E.7: The municipality is notified of unauthorized charges or transactions in connection with a customer's covered account.

5.E.8: The municipality receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the municipality

5.E.9: The municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

SECTION 6: RESPONDING TO RED FLAGS

6.A: Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the municipality from damages and loss.

6.A.1: Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

6.A.2: The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the municipality; and
4. Notifying the actual customer that fraud has been attempted.

SECTION 7: PERIODIC UPDATES TO PLAN

7.A: At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

7.B: Periodic reviews will include an assessment of which accounts are covered by the program.

7.C: As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.

SECTION 8: PROGRAM ADMINISTRATION

8.A: Involvement of management

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.

2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.

3. Operational responsibility of the program is delegated to the office of the City Clerk

8.B: Staff training

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.

2. The Chief of Police is responsible for ensuring identity theft training for all requisite employees and contractors.

3. Employees must receive annual training in all elements of this policy.

4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.C: Oversight of service provider arrangements

1. It is the responsibility of the municipality to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

This resolution will take effect immediately upon its passage, the public welfare so requiring.

Approved this 8th day of September, 2009

Merlin Seeman
Mayor

Attest:

Barbra J. Mikkelson
City Clerk



Councilor Phillips moved to approve the amendment to the animal control officer's agreement. Councilor Helzer seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Roblee. The motion carried.

Councilor Ramsour moved to award the bid for the surplus fire hydrant to Greg Nielsen for \$151.00. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee. 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 7:51 p.m.

Merlin Seeman
Mayor

ATTEST:

Barbra J. Mikkelson
City Clerk

