

Aurora, Nebraska  
September 23, 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 23, 2009 at the City Hall. Present were Councilors: 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 16, 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 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 September 8, 2009 meeting. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried.

**PETITIONS, COMPLAINTS, COMMUNICATIONS:**

City Administrator Bair recognized the passing of Jon Hope, a prominent business man, past Assistant Fire Chief, and Chairman of the Planning Commission at the time of his death. Jon spent his time as a volunteer fighting to protect the lives of others as a fireman and planning for the community's future as a member of the Planning Commission. Unfortunately Jon's own life and promising future were cut short in his battle with cancer.

**REPORTS BY OFFICERS, BOARD, COMMITTEES:**

Councilor Shaneyfelt moved to adopt Resolution 09-26 authorizing the Mayor to sign an application for CDBG funds. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried and the following resolution was declared passed and adopted.

**RESOLUTION 09-26**

**A RESOLUTION AUTHORIZING THE CHIEF ELECTED  
OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS**

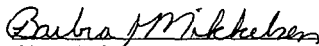
Whereas, the City of Aurora, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

Whereas, City of Aurora, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which is for an amount of \$52,500 for planning grant to plan and develop a power par site and grant administration costs, and

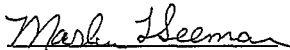
NOW, THEREFORE, BE IT RESOLVED BY The City Council of the City of Aurora, Nebraska that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Aurora and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Passed and adopted this 23<sup>rd</sup> day of September, 2009.

ATTEST:

  
Barbara M. Helzer  
City Clerk



  
Mark Heema  
Mayor

Councilor Phillips moved to adopt Resolution 09-27 for a Land and Water Conservation Fund (LWCF) grant for Cole Park improvements. Councilor Helzer seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt and Anderson. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried and the following resolution was declared passed and adopted.

#### Resolution 09-27

The City of Aurora of, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of building a shelter and associated work in Cole Park .

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Aurora of, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Aurora of, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Aurora of, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Aurora of, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Aurora of, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Aurora of, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Aurora of, Nebraska at a duly advertised public meeting held this 23<sup>rd</sup> day of September, 2009.

ATTEST:

Barbra Mikkelsen  
Clerk/Treasurer



Councilor Shaneyfelt moved to adopt Resolution 09-28 for a grant through the Recreation Trails Program (RTP) for Cole Park Trail improvements. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Anderson and Helzer. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried and the following resolution was declared passed and adopted.

#### RESOLUTION 09-28

The City of Aurora, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of: building a 2,700 foot long 10 foot wide concrete trail through Cole Park.

The Mayor of the City of Aurora Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.

The City of Aurora, Nebraska currently has the written commitment for the 20% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project.

The City of Aurora, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years for non-motorized.

The City of Aurora, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

The City of Aurora, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

The City of Aurora, Nebraska will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the American with Disability Act of 1991.

I certify that this resolution is a true copy of the original document that was adopted by the City of Aurora, Nebraska at a properly advertised and announced public meeting held this 23<sup>rd</sup> day of September, 2009.

Marlin Heeman  
Mayor

ATTEST:

Barbra Mikkelsen  
Clerk/Treasurer



Councilor Helzer moved to adopt Resolution 09-29 for a grant through the Recreation Trails Program (RTP) for a walking trail from Streeter Park to 9th Street right-of way. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried and the following resolution was declared passed and adopted.

**RESOLUTION 09-29**

The City of Aurora, Nebraska is applying for federal assistance from the Recreational Trails Program for the purpose of: building a 1,225 foot long 10 foot wide concrete trail including a pedestrian bridge connecting Streeter Park to 9<sup>th</sup> Street.

The Mayor of the City of Aurora Nebraska is authorized to sign the application for federal assistance, and any other official project documents that are necessary to obtain such assistance, including any agreements, contracts or other documents that are required by the State of Nebraska or the Federal Highway Administration.

The City of Aurora, Nebraska currently has the written commitment for the 20% local matching share for the project elements that are identified on the application form and the supplemental documents and will, as it becomes necessary, allocate the local funds for the project.

The City of Aurora, Nebraska will commit the necessary financial resources to operate and maintain the completed project in a safe and attractive manner for 25 years for non-motorized.

The City of Aurora, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or nation origin in the use of any property or facility that is acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, and any of the regulations promulgated pursuant to such Act.

The City of Aurora, Nebraska will comply with all rules and regulations of the Recreational Trails Program, applicable Executive Orders and all state laws that govern the grant applicant during the performance of the project.

The City of Aurora, Nebraska will comply with the Federal disability access and use standards where they can be reasonably applied, in accord with the American with Disability Act of 1991.

I certify that this resolution is a true copy of the original document that was adopted by the City of Aurora, Nebraska at a properly advertised and announced public meeting held this 23<sup>rd</sup> day of September, 2009.

*Marlin Leeman*

ATTEST:

*Barbra Mikkelsen*  
Clerk/Treasurer



Tylor Bottorff of JEO Consulting presented pay application No. 1 and final for Van Kirk Brothers Contracting for Northridge Water Main Bore for \$28,472.00. Councilor Phillips moved to approve pay application No. 1 and final for Van Kirk Brothers Contracting for Northridge Water Main Bore for \$28,472.00. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried.

Tylor Bottorff of JEO Consulting presented the "Recommendation of Acceptance" for the Northridge Water Main Bore. He stated the one year warranty period would start with the acceptance of the project. Councilor Shaneyfelt moved to accept the "Recommendation of Acceptance" for the Northridge Water Main Bore. Councilor Phillips seconded the motion. Voting Aye: Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried.

Councilor Shaneyfelt moved to accept the bid received for the Auditor. The bid was from Almquist, Maltzahn, Galloway & Luth, P.C. of Grand Island for fiscal year ends September 30, 2009, 2010 and 2011. Councilor Helzer seconded the motion. Voting Aye: Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried.

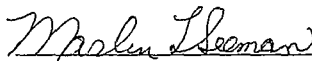
Councilor Phillips moved to approve the Mayor's appointment of Mardell Jasnowski to the Sales Tax Expenditure Review Board. Councilor Shaneyfelt seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt and Anderson. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried.

Councilor Shaneyfelt moved to approve Noise Control Special Variance Application from Stan Valasek for Overtime Bar & Grill for October 10 from 6:00p.m. to 12:30a.m. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Anderson and Helzer. Nay: None. Absent and not voting: Roblee and Ramsour. The motion carried.

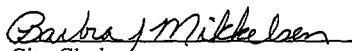
**MISCELLANEOUS:**

**ADJOURNMENT:**

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 7:55 p.m.

  
Mayor

**ATTEST:**

  
City Clerk

