

Aurora, Nebraska  
April 27, 2010

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 April 27, 2010 at the City Hall. Present were Councilors: Wayne Roblee, 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, Street Superintendent Mike Eberhardt and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was posted in six places on April 21, 2010. 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 Ramsour moved to approve the minutes from the April 13, 2010 meeting. Councilor Helzer seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None. The motion carried.

**PETITIONS, COMPLAINTS, COMMUNICATIONS:**

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

**7:35 P.M. PUBLIC HEARING:**

Mayor Seeman opened the duly advertised public hearing to receive public comments to receive comments on the proposed Sanitary Sewer Collection System and Treatment Facility Improvement Projects and any known impacts to the existing environmental conditions or water and sewer rates. Christian Evans of AACD spoke in favor of the proposed project.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed project. Christian Evans of AACD spoke in favor of the proposed project. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed project, and there was no one. There being no one else present to speak in favor of or opposition to the proposed project the Mayor declared the public hearing closed.

**7:35 P.M. PUBLIC HEARING:**

Mayor Seeman opened the duly advertised public hearing to hear public comments regarding amending Ordinance No. 708 and the Land Use Plan to reflect changes in zoning for the property located at, Lot 3 Block 2 and Part of Vacated Valley Street Industrial Subdivision except that part to State of Nebraska, Hamilton County, Nebraska.

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. Lee Penner spoke in favor of the zoning change request. There being no one else present that wished to speak in favor of or in opposition to the request the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 944: AN ORDINANCE TO AMEND ORDINANCE 708, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, ARTICLE FOUR (4), ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS, SECTION 403, THE OFFICIAL ZONING MAP, TO PROVIDE THAT THE PROPERTY LOCATED AT LOT THREE (3), BLOCK TWO (2), AND PART OF VACATED VALLEY STREET INDUSTRIAL SUBDIVISION EXCEPT THAT PART TO THE STATE OF NEBRASKA, HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM I-1, LIGHT INDUSTRIAL DISTRICT DESIGNATION TO C-3, GENERAL COMMERCIAL DISTRICT DESIGNATION AND TO PROVIDE THAT SAID CHANGE SHALL BE ENTERED UPON ZONING MAP AS PROVIDED IN ARTICLE 4, SECTION 404.10, OFFICIAL ZONING MAP CHANGES.

Councilor Phillips moved to bring Ordinance No. 944 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Roblee seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee 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. 944. Councilor Phillips seconded the motion. The Mayor stated the question, "Shall Ordinance No. 944 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Roblee, 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.

City Attorney Luzum read Ordinance No. 945: AN ORDINANCE TO AMEND ORDINANCE 707-1, THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF AURORA, NEBRASKA, LAND USE PLAN, ILLUSTRATION NO. 7, TO PROVIDE THAT THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT LOT THREE (3), BLOCK TWO (2), AND PART OF VACATED VALLEY STREET INDUSTRIAL SUBDIVISION EXCEPT THAT PART TO THE STATE OF NEBRASKA, HAMILTON COUNTY, NEBRASKA, BE CHANGED TO ZONING DISTRICT DESIGNATION GENERAL COMMERCIAL DISTRICT (C-3).

Councilor Shaneyfelt moved to bring Ordinance No. 945 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Ramsour seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. 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. 945. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 945 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. 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.

Pat Shaw of Hamilton Telecommunications reviewed the renewal of the franchise agreement with Mid State TV.

City Attorney Luzum read Ordinance No. 946: AN ORDINANCE GRANTING MID-STATE COMMUNITY TV, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND AUTHORITY TO CONSTRUCT AND OPERATE, MAINTAIN AND RECONSTRUCT A CABLE TELEVISION COMMUNICATIONS SYSTEM WITHIN THE CITY OF AURORA AND TO USE AND OCCUPY THE STREETS, ALLEYS, AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

Councilor Ramsour moved to bring Ordinance No. 946 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Roblee seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer and Shaneyfelt. Abstain: Phillips. 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 Roblee moved for final adoption of Ordinance No. 946. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 946 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer and Roblee. Abstain: Phillips. 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 Phillips moved to approve the request from Deb Kalkwarf of Grandview Café for a special liquor license and permission to fence off the street east of the alley between 11th and 12th Street on "L" Street to hold an outdoor beer garden and street dance during Aurora "N" Days, June 25 and June 26. With the stipulation that the proper insurance is in place to indemnify the city. Councilor Shaneyfelt seconded the motion. Voting Aye: Anderson, Phillips, Shaneyfelt and Roblee. Nay: Helzer and Ramsour. The motion carried.

Councilor Shaneyfelt moved to approve Noise Control Special Variance Application from Deb Kalkwarf for Grandview Cafe for June 25 and June 26 from 9:00p.m. to 12:30a.m. Councilor Phillips seconded the motion. Discussion was held on the time frame that the variance should be granted and the fencing that should be used. Voting Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. The motion carried.

Councilor Phillips moved to approve Noise Control Special Variance Application from Stanley Valasek for Overtime Bar & Grill for June 24, June 25 and June 26 from 9:00p.m. to 12:30a.m. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Councilor Shaneyfelt moved to authorize the Mayor to enter into an agreement with the Nebraska Department of Roads for Maintenance Agreement No. 50 for the amount of \$8,160. Councilor Phillips seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried

Councilor Ramsour moved to approve pay plan for part time employees, temporary employees and seasonal employees. Councilor Helzer seconded the motion. City Administrator Bair stated that the Mayor has flexibility with the pay plan. Not all employees will be put in appropriate grades. It will take a few years to implement. Voting Aye: Roblee, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Steve Parr of JEO Consulting reviewed the agreement for construction supervision of the Cole's Park Improvements (non grant portion). Councilor Ramsour moved to authorize the Mayor to enter into an agreement with JEO Consulting for construction supervision of Cole's Park Improvements (non grant portions). Councilor Roblee seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None. The motion carried.

Councilor Phillips moved to go into executive session for the protection of the public interest to discuss pending litigation regarding Madison Avenue. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. Nay: None. The motion carried.

Council went into executive session at 8:10p.m.

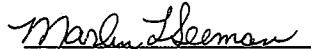
Council came out of executive session at 8:38p.m.

Councilor Ramsour moved to authorize the Mayor to negotiate and enter into a settlement agreement with Kirkham Michael and Diamond Engineering regarding Madison Avenue litigation. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

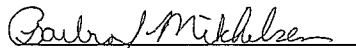
#### MISCELLANEOUS:

#### ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:43 p.m.

  
Mayor

#### ATTEST:

  
City Clerk