

Aurora, Nebraska  
May 11, 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 May 11, 2010 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 Sergeant Ryan Dummer, 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 5, 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 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 27, 2010 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 April 30, 2010. 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: 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 hear public comments regarding amending Ordinance No. 708 and the Land Use Plan to reflect changes in zoning for the property located at: a part of Lot Two (2), Block Two (2), Industrial Subdivision, a part of the Southeast Quarter (SE ¼), Section Thirty Two (32), Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the recommendation. There being no one 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. 947: 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 TWO (2), BLOCK TWO (2), INDUSTRIAL SUBDIVISION, A PART OF THE SOUTHEAST QUARTER (SE1/4), SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., 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. 947 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson 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 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. 947. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 947 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. 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 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. 948: 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 TWO (2), BLOCK TWO (2), INDUSTRIAL SUBDIVISION, A PART OF THE SOUTHEAST QUARTER (SE1/4), SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA, BE CHANGED TO ZONING DISTRICT DESIGNATION GENERAL COMMERCIAL DISTRICT (C-3).

Councilor Ramsour moved to bring Ordinance No. 948 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. 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 Shaneyfelt moved for final adoption of Ordinance No. 948. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 948 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 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. 949: AN ORDINANCE VACATING A SOUTHERLY PORTION OF THE EIGHTY-FOOT EASEMENT RUNNING EAST AND WEST THROUGH LOT 1 OF AURORA WEST SUBDIVISION REPLAT, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilor Phillips moved to bring Ordinance No. 949 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Ramsour 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 Ramsour moved for final adoption of Ordinance No. 949. Councilor Anderson seconded the motion. The Mayor stated the question, "Shall Ordinance No. 949 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 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.

Dave Henke of JEO Consulting explained Change Order No. 1 for the Cole Park Improvements Project for Dostals Construction Co. an increase of \$18,710.00. Councilor Ramsour moved to approve Change Order No. 1 for the Cole Park Improvements Project for Dostals Construction Co. and increase of \$18,710.00. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Nay: None. Absent and not voting: Roblee. The motion carried.


Councilor Phillips moved to approve Resolution 10-07 accepting the plats and schedules of assessments as prepared by the city engineer for special assessments proposed to be levied in Sanitary Sewer Extension District No. 43, Street Improvement District No. 181 and Water Extension District No. 2009-1. Councilor Shaneyfelt seconded the motion. Voting Aye: Shaneyfelt, Ramsour, Anderson, Helzer and Phillips. Nay: None. Absent and not voting: Roblee. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 10-07

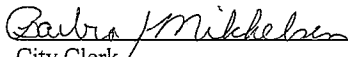
RESOLUTION ACCEPTING THE PLATS AND SCHEDULES OF ASSESSMENTS AS PREPARED BY THE CITY ENGINEER FOR SPECIAL ASSESSMENTS PROPOSED TO BE LEVIED IN SANITARY SEWER EXTENSION DISTRICT NO. 43, STREET IMPROVEMENT DISTRICT NO. 181 AND WATER EXTENSION DISTRICT NO. 2009-1

Whereas the City of Aurora has heretofore contracted for and accepted the work of the contractor in Sanitary Sewer Extension District No. 43, Street Improvement District No. 181 and Water Extension District No. 2009-1, and the City Engineer has prepared and presented to the Mayor and City Council plats and schedules of assessments proposed to be levied in said Districts.

Now, therefore, be it resolved by the Mayor and City Council that said plats and schedules of assessments in Sanitary Sewer Extension District No. 43, Street Improvement District No. 181 and Water Extension District No. 2009-1 are hereby ordered to be received and placed on file in the City Offices.

  
Mayor

ATTEST:

  
City Clerk



Councilor Ramsour moved to approve Resolution 10-08 setting Board of Equalization Hearing for Northridge Subdivision assessments for 7:00p.m. June 22, 2010. Councilor Helzer 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 NO. 10-08

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF AURORA, NEBRASKA, AS FOLLOWS:

Section 1. That the Mayor and City Council will meet as a Board of Equalization at 7:00 o'clock p.m., on the 22<sup>nd</sup> day of June, 2010, at the Council Chambers in Aurora, Nebraska; and

Section 2. That the following notice of said meeting be published in five (5) issues of the Aurora News-Register on the following dates: May 19<sup>th</sup>, May 26<sup>th</sup>, June 2<sup>nd</sup>, June 9<sup>th</sup> and June 16<sup>th</sup>.

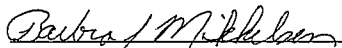
Section 3. That the City Clerk be and hereby is instructed to mail a copy of said Notice to all known resident and non-resident owners of property in Sanitary Sewer Extension District No. 43, Street Improvement District No. 181 and Water Extension District No. 2009-1, and to any other party appearing to have a direct interest in such action or proceedings; and

Section 4. That at said time and place, the Mayor and City Council of said City will grant a hearing to all persons interested and will pass a resolution making said special assessments as provided by law.

Passed this 11<sup>th</sup> day of May, 2010.

  
Mayor

ATTEST:

  
City Clerk




Councilor Phillips moved to approve the certification of the City Administrator's approval of a lot split for the property located at: Lot Thirty-Five, Lincoln Creek Subdivision, City of Aurora Hamilton County, NE. Councilor Shaneyfelt seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Roblee. The motion carried

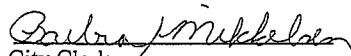
**MISCELLANEOUS:**

**ADJOURNMENT:**

Having completed all items on the agenda, and there being no further business to conduct, Council President Phillips declared the meeting adjourned at 7:52 p.m.

  
Mayor

ATTEST:

  
City Clerk

