

Aurora, Nebraska
June 14, 2011

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 June 14, 2011 at the City Hall. Present were Councilors: Wayne Roblee, Paul Lackore, Phillip Hupf, Dick Phillips and Paul Shaneyfelt. Mayor Marlin Seeman conducted the meeting. City Officials present were Interim City Administrator Jane Berry, 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 June 8, 2011. 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 Lackore moved to approve the minutes from the May 24, 2011 meeting. Councilor Hupf seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

Former Mayor Harter addressed the council regarding leaving the Aurora Police Department at the Law Enforcement Center.

REPORTS BY OFFICERS, BOARD, COMMITTEES:

Clerk/Treasurer Mikkelsen presented the Expenditure and Clerk/Treasurer reports for the month ending May 31, 2011. Councilor Phillips moved to approve said reports. Councilor Lackore seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. The motion carried.

Claims Committee Member Roblee 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 Hupf seconded the motion. Voting Aye: Hupf, Phillips, Shaneyfelt, Roblee, and Lackore. Nay: None. Absent and not voting: Ramsour. 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 recommendation of the Planning Commission to approve the request for a Minor Subdivision for the property located at, Interstate Battery Subdivision, a Replat of Lot 3, Fontanelle Subdivision, City of Aurora, Hamilton County, Nebraska.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed recommendation. Zoning Administrator Melcher reviewed the request and stated that the Planning Commission recommended approving the request. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed recommendation, and there was no one. There being no one else present to speak in favor of or opposition to the proposed recommendation the Mayor declared the public hearing closed.

Councilor Roblee moved to approve Resolution 11-10 to approve minor subdivision for property located at, Interstate Battery Subdivision, a Replat of Lot 3, Fontanelle Subdivision, City of Aurora, Hamilton County, Nebraska. Councilor Lackore seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Lackore and Hupf. Nay: None. Absent and not voting: Ramsour. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 11-10

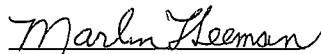
WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the minor subdivision final plat of Interstate Battery 2nd Subdivision, for property located at Interstate Battery Subdivision, a replat of Lot 3, Fontanelle Subdivision, City of Aurora, Hamilton County, Nebraska, said tract containing 5.066 acres more or less; and have held separate public hearings to consider whether the Subdivision should be included within the Corporate limits of the City of Aurora, and

WHEREAS, said minor subdivision final plat of Interstate Battery 2nd Subdivision meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

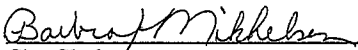
WHEREAS, the Aurora Planning Commission has recommended to the City Council approval of the minor subdivision final plat to be known as Interstate Battery 2nd Subdivision and has recommended that it be included within the Corporate limits, and the City Council on this date has voted for approval of this Subdivision; and has voted to include this Subdivision within the City Limits;

BE IT THEREFORE RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska, that the minor subdivision final plat of Interstate Battery 2nd Subdivision be hereby approved and that said addition shall be included within the Corporate limits of the City of Aurora, Nebraska, and that the Mayor and City Clerk be authorized to execute the approval of said plat, and cause the same to be filed as required by law.

Passed and adopted this 14th day of June, 2011.


Maydr

ATTEST:


City Clerk



7:40 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments on the recommendation of the Planning Commission to approve the request for a Minor Subdivision for the property consisting of part of the Northwest Quarter, Northwest Quarter (NW1/4, NW1/4), Section Three (3), and Part of the Northeast Quarter, Northeast Quarter (NE1/4, NE1/4), Section Four (4), Township Ten (10) North, Range Six (6) West of the 6th P.M., City of Aurora, Hamilton County, Nebraska.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed recommendation. Zoning Administrator Melcher reviewed the request and stated that the Planning Commission recommended approving the request. Renee Arnold stated the minor subdivision was need for the sale of the property. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed recommendation, and there was no one. There being no one else present to speak in favor of or opposition to the proposed recommendation the Mayor declared the public hearing closed.

Councilor Shaneyfelt moved to approve Resolution 11-11 to approve a minor subdivision property consisting of part of the Northwest Quarter, Northwest Quarter (NW1/4, NW1/4), Section Three (3), and Part of the Northeast Quarter, Northeast Quarter (NE1/4, NE1/4), Section Four (4), Township Ten (10) North, Range Six (6) West of the 6th P.M., City of Aurora, Hamilton County, Nebraska. Councilor Lackore seconded the motion. Voting Aye: Shaneyfelt, Roblee, Lackore, Hupf and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 11-11

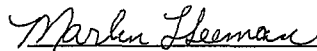
WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the minor subdivision final plat of John's Subdivision, for property consisting of part of the Northwest Quarter, Northwest Quarter (NW1/4, NW1/4), Section Three (3), and Part of the Northeast Quarter, Northeast Quarter (NE1/4, NE1/4), Section Four (4), Township Ten (10) North, Range Six (6) West of the 6th P.M., City of Aurora, Hamilton County, Nebraska, said tract containing 3.294 acres more or less; and have held separate public hearings to consider whether the Subdivision should be included within the Corporate limits of the City of Aurora, and

WHEREAS, said minor subdivision final plat of John's Subdivision meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

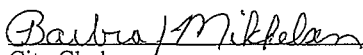
WHEREAS, the Aurora Planning Commission has recommended to the City Council approval of the minor subdivision final plat to be known as John's Subdivision and has recommended that it be included within the Corporate limits, and the City Council on this date has voted for approval of this Subdivision; and has voted to include this Subdivision within the City Limits;

BE IT THEREFORE RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska, that the minor subdivision final plat of John's Subdivision be hereby approved and that said addition shall be included within the Corporate limits of the City of Aurora, Nebraska, and that the Mayor and City Clerk be authorized to execute the approval of said plat, and cause the same to be filed as required by law.

Passed and adopted this 14th day of June, 2011.


Mayor

ATTEST:


City Clerk



7:45P.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 Lot Thirteen (13), Block Four (4), Hamilton Addition, City Of Aurora, 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. 960: AN ORDINANCE TO AMEND ORDINANCE 957, 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 LEGALLY DESCRIBED AS: LOT THIRTEEN (13), BLOCK FOUR (4), HAMILTON ADDITION, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM R-1, RESIDENTIAL DISTRICT DESIGNATION TO C-2, GENERAL COMMERCIAL DISTRICT DESIGNATION AND TO PROVIDE THAT SAID CHANGE SHALL BE ENTERED UPON ZONING MAP AS PROVIDED IN ARTICLE FOUR (4), SECTION 404.10, OFFICIAL ZONING MAP CHANGES.

Councilor Phillips moved to bring Ordinance No. 960 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Roblee seconded the motion. Voting Aye: Roblee, Lackore, Hupf, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. 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. 960. Councilor Lackore seconded the motion. The Mayor stated the question, "Shall Ordinance No. 960 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour.

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. 961: AN ORDINANCE TO AMEND ORDINANCE 956, THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF AURORA, NEBRASKA, LAND USE PLAN, TO PROVIDE THAT THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT LOT THIRTEEN (13), BLOCK FOUR (4), HAMILTON ADDITION, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, BE CHANGED TO ZONING DISTRICT DESIGNATION GENERAL COMMERCIAL DISTRICT (C-2).

Councilor Shaneyfelt moved to bring Ordinance No. 961 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. 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. 961. Councilor Lackore seconded the motion. The Mayor stated the question, "Shall Ordinance No. 961 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Hupf, Phillips, Shaneyfelt, Roblee and Lackore. Nay: None. Absent and not voting: Ramsour.

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 authorize the Mayor to enter into an agreement with JEO Consulting, Inc. for engineering services for the WWTP Expansion Project. Councilor Roblee seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Lackore and Hupf. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Roblee moved to authorize the Mayor to enter into an agreement with Thiele Geotech for geotechnical investigation services relating to the WWTP Expansion Project. Councilor Hupf seconded the motion. Voting Aye: Shaneyfelt, Roblee, Lackore, Hupf and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried.

Grant Administrator Berry reviewed Change Order No. 1 for the Cole Park Shelter LWCF Project. Councilor Shaneyfelt moved to approve Change Order No. 1 for the Cole Park Shelter LWCF Project. Councilor Lackore seconded the motion. Voting Aye: Roblee, Lackore, Hupf, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. The motion carried.

City Attorney Luzum read Ordinance No. 962: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND, SERIES 2011, OF THE CITY OF AURORA, NEBRASKA, IN THE MAXIMUM PRINCIPAL AMOUNT OF THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000), IN THE FORM OF A PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF MAINTAINING, EXTENDING, ENLARGING AND IMPROVING THE COMBINED WATER AND SEWER UTILITIES OWNED BY THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE COMBINED WATER AND SEWER UTILITIES OWNED BY THE CITY FOR THE PAYMENT OF SAID BOND; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDER OF SAID BONDS; PROVIDING FOR THE SALE OF THE BOND; AUTHORIZING THE DELIVERY OF THE BOND TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilor Shaneyfelt moved to bring Ordinance No. 962 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. 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. 962. Councilor Roblee seconded the motion. The Mayor stated the question, "Shall Ordinance No. 962 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour.

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 Lackore moved to approve the extension of the Interim City Administrator employment agreement. Councilor Roblee seconded the motion. Voting Aye: Hupf, Phillips, Shaneyfelt, Roblee and Lackore. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Lackore moved to approve the request of Memorial Foundation to use specified city streets for the A'ROR'N Days Run and Wellness Walk as per designated maps. Councilor Roblee seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Lackore and Hupf. Nay: None. Absent and not voting: Ramsour. The motion carried.

Zoning Administrator Melcher reviewed the request from Jana Van Housen to install an awning at 1210 L Street that would overhang City Right of Way. Councilor Hupf moved to approve the request from Jana Van Housen to install an awning at 1210 L Street that would overhang City Right of Way per the Zoning Application. Councilor Lackore seconded the motion. Voting Aye: Shaneyfelt, Roblee, Lackore, Hupf and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Roblee moved to approve Resolution 11-12 declaring surplus property. Councilor Lackore seconded the motion. Voting Aye: Roblee, Lackore, Hupf, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 11-12

WHEREAS, Section 17-503.01 of R.R.S. 1943 Nebraska Statutes requires that Cities post a resolution declaring the sale of surplus property, and

WHEREAS, the City has determined the following to be surplus property:

Police Department:

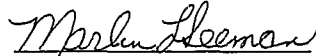
1996 Ford Crown Victoria Police 4 door sedan with 79,776 miles

2007 Ford Crown Victoria Police 4 door sedan with 57,948 miles

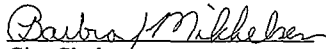
2007 Ford Crown Victoria Police 4 door sedan with 68,808 miles

NOW THEREFORE BE IT RESOLVED that the City staff be authorized to advertise for sealed bids for the sale of said Police Department and Water/Sewer Department equipment.

Passed and adopted this 14th day of June, 2011.


Mayor

ATTEST:


City Clerk



Councilor Shaneyfelt moved to approve the applications to sell fireworks, received from: James Clarke dba Fireworks 4-Less (Aurora Mall), Richard Ludvik dba Ka-Boomer's Half Price Fireworks (Pin Setter's), Leigh Jochimsen/Bellino Fireworks, Inc. (Hwy 14 & I-80 CTR Investments), Keith Christensen/Stars & Stripes, (Dollar General), Chris Hansen/Hansen Investments (302 South 16th St). Councilor Phillips seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Lackore moved to approve the manager application for a Class C Liquor License for Jeffrey Sweeney for Double R Restaurant. Councilor Phillips seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Hupf moved to approve the Mayor's appointments to the Planning Commission: Mark Shaneyfelt, Mike Penner and Jan Dick for a 3 year term. Councilor Lackore seconded the motion. Voting Aye: Hupf, Phillips, Shaneyfelt, Roblee and Lackore. Nay: None. Absent and not voting: Ramsour. The motion carried.

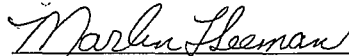
Councilor Phillips moved to approve the Mayor's appointment of Doug Moss to the Board of Adjustment for a 3 year term. Councilor Hupf seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Lackore and Hupf. Nay: None. Absent and not voting: Ramsour. The motion carried.

Councilor Roblee moved to approve the Mayor's appointment of Gail Nelson to the Aurora Housing Authority for a 5 year term. Councilor Lackore seconded the motion. Voting Aye: Shaneyfelt, Roblee, Lackore and Hupf. Abstain: Phillips. Nay: None. Absent and not voting: 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 8:07p.m.


Mayor

ATTEST:


City Clerk

