

Aurora, Nebraska  
November 25, 2008

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 November 25, 2008 at the City Hall. Present were Councilors: Jack Payne, 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 Commissioner Mike Eberhardt and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was posted at six different public locations on November 19, 2008. 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 November 11, 2008 meeting. Councilor Payne seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

**PETITIONS, COMPLAINTS, COMMUNICATIONS:**

City Administrator Bair thanked Councilor Jack Payne for his many years serving as City Councilor for the City of Aurora. Mayor Seeman also expressed his appreciation.

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

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

Mayor Seeman opened the duly advertised public hearing to consider any written objections filed against the said proposed Street Improvement District No. 179, Madison Avenue. The Mayor asked if there were any written objections to the proposed Street Improvement District No. 179. There being no written objections the Mayor declared the public hearing closed.

Councilor Phillips moved to approve Resolution 08-24 regarding Street Improvement District 179. Councilor Shaneyfelt seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried and the following resolution was declared passed and adopted.

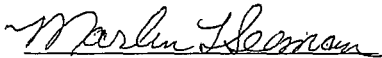
RESOLUTION NO. 08-24

BE IT RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska as follows:

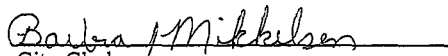
1. The Mayor and City Council heretofore adopted on October 14, 2008 Ordinance No. 910 creating Street Improvement District No. 179, which ordinance was published as provided by law on October 22, 2008.
2. Notice of Creation of said Street Improvement District was published as provided by law on October 29, November 5 and November 12, 2008 and notice was mailed to all non-resident owners as provided by law.
3. That objections were filed objecting to creation of Street Improvement District No. 179 as follows:

Written objections representing 0 front feet of abutting property were filed within 20 days of the first publication of the notice of creation of the District. That said Street Improvement District No. 179 contains a total of 492.69 front feet of abutting property and that the written objections representing 0 front feet of abutting property do not constitute a majority of the total front footage and the Mayor and Council may proceed with the construction of improvements in said District.

Passed this 25<sup>th</sup> day of November, 2008.

  
Mayor

ATTEST:

  
City Clerk



Tylor Bottorff of JEO Consulting reviewed Cost Breakdown Form No. 25 for the Historic Lighting Project. Councilor Shaneyfelt moved to approve Cost Breakdown Form No. 25 for the Historic Lighting Project to JEO for \$317.93. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained Change Order No. 1 for Water Tower Repainting and Safety Modifications for Maguire Iron, Inc. an increase of \$2,550.00. Councilor Ramsour moved to approve Change Order No. 1 for Water Tower Repainting and Safety Modifications for Maguire Iron, Inc. an increase of \$2,550.00. Councilor Payne seconded the motion. Voting Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained Pay Application No. 3 and final for Water Tower Repainting and Safety Modification Project to Maguire Iron, Inc. for \$122,626.00. Councilor Payne moved to approve Pay Application No. 3 and final for Water Tower Repainting and Safety Modification Project to Maguire Iron, Inc. for \$122,626.00. Councilor Helzer seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting explained the "Recommendation of Acceptance" for the Water Tower Repainting and Safety Modification Project. He stated that the warranty period would start as of the date of acceptance. Councilor Phillips moved to accept the "Recommendation of Acceptance" for the Water Tower Repainting and Safety Modification Project. Councilor Ramsour seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting reviewed Change Order No. 1 for Sanitary Sewer Extension for Green Way Subdivision for Rutjens Construction a decrease of \$1,656.88. Councilor Shaneyfelt moved to approve Change Order No. 1 for Sanitary Sewer Extension for Green Way Subdivision for Rutjens Construction a decrease of \$1,656.88. Councilor Phillips seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. Nay: None. The motion carried.

Tylor Bottorff of JEO Consulting presented Pay Application No. 2 for Rutjens Construction for Green Way Sanitary Sewer Extension for \$67,362.75. Councilor Payne moved to approve Pay Application No. 2 for Rutjens Construction for Green Way Sanitary Sewer Extension for \$67,362.75. Councilor Ramsour seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne and Ramsour. Nay: None. The motion carried.

City Attorney Luzum read Ordinance No. 919 by its title: AN ORDINANCE TO PROVIDE FOR THE INSTALLATION AND ENFORCEMENT OF STOP SIGNS ON THE NORTHWEST AND SOUTHEAST CORNERS OF THE INTERSECTION OF 5th AND K STREETS; FOR THE INSTALLATION AND ENFORCEMENT OF A STOP SIGN ON THE NORTHWEST CORNER OF THE INTERSECTION OF 5TH AND J STREETS, FOR THE INSTALLATION AND ENFORCEMENT OF A STOP SIGN ON THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH 13TH, CEDAR, AND KISSEL STREETS, FOR THE INSTALLATION AND ENFORCEMENT OF A STOP SIGN ON THE NORTHEAST CORNER OF THE INTERSECTION OF HARVEST DRIVE AND N ROAD, AND FOR THE INSTALLATION AND ENFORCEMENT OF STOP SIGNS ON THE SOUTHEAST AND NORTHWEST CORNERS OF THE INTERSECTION OF HARVEST DRIVE AND MANKIN STREET, IN THE CITY OF AURORA, NEBRASKA.

Councilor Phillips moved to bring Ordinance No. 919 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. 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 Shaneyfelt moved for final adoption of Ordinance No. 919. Councilor Ramsour seconded the motion. The Mayor stated the question, "Shall Ordinance No. 919 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Phillips, Shaneyfelt, Payne, Ramsour, Anderson and Helzer. 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 Ramsour moved to approve Resolution 08-25 regarding handicap parking spaces around the Downtown Square. Councilor Anderson seconded the motion. Voting Aye: Shaneyfelt, Payne, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 08-25

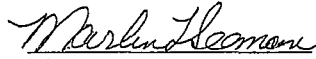
WHEREAS, pursuant to the Statutes of the State of Nebraska, including section 18-1736, the City of Aurora may designate parking spaces for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates or permits;

WHEREAS, the City of Aurora has received a request to designate as parking spaces for the exclusive use of handicapped or disabled persons the following parking spaces: (1) the first parking space located on the West side of 12<sup>th</sup> Street North of the intersection with "M" Street; (2) the first parking space located on the South side of "M" Street West of the intersection with 12<sup>th</sup> Street; (3) the first parking space located on the West side of 12<sup>th</sup> Street South of the middle of the block between "M" Street and "L" Streets; (4) the first parking space located on the North side of "L" Street West of the intersection with 12<sup>th</sup> Street; (5) the first parking space located on the South side of "L" Street West of the intersection with 12<sup>th</sup> Street; (6) the first parking space located on the East side of 12<sup>th</sup> Street South of the intersection with "L" Street; (7) the first parking space located on the South side of "L" Street East of the middle of the block between 12<sup>th</sup> Street and 13<sup>th</sup> Streets; (8) the first parking space located on the West side of 13<sup>th</sup> St. Street South of the intersection with "L" Street; (9) the first parking space located on the East side of 13<sup>th</sup> Street South of the intersection with "L" Street; (10) the first parking space located on the North side of "L" Street East of the intersection with 13<sup>th</sup> Street; (11) the first parking space located on the East side of 13<sup>th</sup> Street North of the middle of the block between "M" Street and "L" Streets; (12) the first parking space located on the West side of 13<sup>th</sup> Street North of the intersection with "M" Street; and (13) the first parking space located on the North side of "M" Street West of the middle of the block between 12<sup>th</sup> and 13<sup>th</sup> Streets, Aurora, Nebraska; and

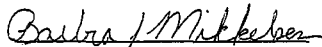
WHEREAS, after due consideration, the City of Aurora desires to designate the following parking spaces as parking spaces for the exclusive use of the handicapped or disabled persons: (1) the first parking space located on the West side of 12<sup>th</sup> Street North of the intersection with "M" Street; (2) the first parking space located on the South side of "M" Street West of the intersection with 12<sup>th</sup> Street; (3) the first parking space located on the West side of 12<sup>th</sup> Street South of the middle of the block between "M" Street and "L" Streets; (4) the first parking space located on the West side of 12<sup>th</sup> Street North of the intersection with "L" Street; (5) the first parking space located on the South side of "L" Street West of the intersection with 12<sup>th</sup> Street; (6) the first parking space located on the East side of 12<sup>th</sup> Street South of the intersection with "L" Street; (7) the first parking space located on the South side of "L" Street East of the middle of the block between 12<sup>th</sup> Street and 13<sup>th</sup> Streets; (8) the first parking space located on the South side of "L" Street West of the intersection with 13<sup>th</sup> Street; (9) the first parking space located on the West side of 13<sup>th</sup> Street North of the intersection with "K" Street; (10) the first parking space located on the East side of 13<sup>th</sup> Street South of the intersection with "L" Street; (11) the first parking space located on the North side of "L" Street East of the intersection with 13<sup>th</sup> Street; (12) the first parking space located on the East side of 13<sup>th</sup> Street North of the middle of the block between "M" Street and "L" Streets; (13) the first parking space located on the West side of 13<sup>th</sup> Street North of the intersection with "M" Street; and (14) the first parking space located on the North side of "M" Street West of the middle of the block between 12<sup>th</sup> and 13<sup>th</sup> Streets, Aurora, Nebraska.

NOW THEREFORE BE IT RESOLVED that the following parking spaces shall be designated handicapped or disabled persons parking spaces and shall be indicated by posting aboveground and immediately adjacent to and visible from such space a sign which is in conformance with the Manual on Uniform Traffic Control Devices: (1) the first parking space located on the West side of 12<sup>th</sup> Street North of the intersection with "M" Street; (2) the first parking space located on the South side of "M" Street West of the intersection with 12<sup>th</sup> Street; (3) the first parking space located on the West side of 12<sup>th</sup> Street South of the middle of the block between "M" Street and "L" Streets; (4) the first parking space located on the West side of 12<sup>th</sup> Street North of the intersection with "L" Street; (5) the first parking space located on the South side of "L" Street West of the intersection with 12<sup>th</sup> Street; (6) the first parking space located on the East side of 12<sup>th</sup> Street South of the intersection with "L" Street; (7) the first parking space located on the South side of "L" Street East of the middle of the block between 12<sup>th</sup> Street and 13<sup>th</sup> Streets; (8) the first parking space located on the South side of "L" Street West of the intersection with 13<sup>th</sup> Street; (9) the first parking space located on the West side of 13<sup>th</sup> Street North of the intersection with "K" Street; (10) the first parking space located on the East side of 13<sup>th</sup> Street South of the intersection with "L" Street; (11) the first parking space located on the North side of "L" Street East of the intersection with 13<sup>th</sup> Street; (12) the first parking space located on the East side of 13<sup>th</sup> Street North of the middle of the block between "M" Street and "L" Streets; (13) the first parking space located on the West side of 13<sup>th</sup> Street North of the intersection with "M" Street; and (14) the first parking space located on the North side of "M" Street West of the middle of the block between 12<sup>th</sup> and 13<sup>th</sup> Streets, Aurora, Nebraska.

Passed and adopted this 25<sup>th</sup> day of November, 2008.

  
Mayor

ATTEST:

  
City Clerk



City Attorney Luzum read Ordinance No. 920 by its title: AN ORDINANCE TO DIRECT SOUTHERN PUBLIC POWER DISTRICT TO PAY A FEE TO THE CITY OF AURORA, AS OUTLINED HEREAFTER, FOR THE ELECTRICAL SERVICES PROVIDED TO ETHANOL PLANTS IN THAT PART OF THE CITY WHICH WAS ANNEXED TO THE CITY OF AURORA BY ORDINANCE NO. 843, AND TO PROVIDE AN EFFECTIVE DATE THEREFORE.

Councilor Payne moved to bring Ordinance No. 920 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Phillips seconded the motion. Voting Aye: Payne, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. 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. 920. Councilor Payne seconded the motion. The Mayor stated the question, "Shall Ordinance No. 920 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Payne. 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. 921 by its title: AN ORDINANCE GRANTING NEBRASKA RESOURCES COMPANY, L.L.C., ITS LESSEES, SUCCESSORS AND ASSIGNS, THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION SYSTEM TO THE FACILITIES OF AVENTINE RENEWABLE ENERGY AURORA WEST, L.L.C., AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF THE CITY OF AURORA, NEBRASKA.

Councilor Phillips moved to bring Ordinance No. 921 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Payne seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Payne 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 Payne moved for final adoption of Ordinance No. 921. Councilor Helzer seconded the motion. The Mayor stated the question, "Shall Ordinance No. 921 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Helzer, Phillips, Shaneyfelt, Payne, Ramsour and Anderson. Nay: None.

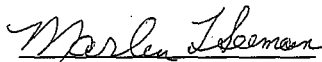
The passage and adoption of said Ordinance having been concurred in by a majority of all members elected to the Council was by the Council President declared passed and adopted and the Council President in the presence of the Council signed and approved said Ordinance and the Clerk attested the passage 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.

Councilor Ramsour moved to cancel the second Council Meeting in December. Councilor Helzer seconded the motion. Voting Aye: Phillips, Shaneyfelt, Ramsour, Anderson and Helzer. Abstain: Payne. Nay: None. The motion carried.

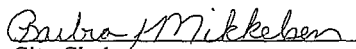
**MISCELLANEOUS:**

**ADJOURNMENT:**

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:05 p.m.

  
Mayor

**ATTEST:**

  
City Clerk

