

Aurora, Nebraska
September 14, 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 September 14, 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 and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on September 8, 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 Shaneyfelt moved to approve the minutes from the August 24, 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:

Clerk/Treasurer Mikkelsen presented the Expenditure and Clerk/Treasurer reports for the month ending August 31, 2010. Councilor Ramsour moved to approve said reports. Councilor Anderson seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. Nay: None. 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, Roblee, Ramsour and Anderson. Nay: None. The motion carried. A listing of said claims is attached to these minutes.

Councilor Phillips moved to approve the request from Deb Kalkwarf of Grandview Café for a special designated liquor license for an event at the Edgerton Center on October 9, 2010 from 5:00pm to 9:00pm. Councilor Roblee seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Councilor Ramsour moved to approve a plumber's license for R. Marlin Davis of Gen-Mech Contractor Inc. Councilor Helzer seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. Nay: None. The motion carried.

Councilor Phillips moved to approve Resolution 10-19 calling certain outstanding maturities of the City's Series 2003 Combines Utilities Revenue Bond Issue for redemption. Councilor Shaneyfelt seconded the motion. Voting Aye: Roblee, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 10-19

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF AURORA, NEBRASKA, as follows:

Section 1. That the following bonds shall be called for redemption at par plus accrued interest on such date as set forth in the Designation of Call Date (as defined below) after which date said bonds shall cease to bear interest:

Combined Utilities Revenue Refunding Bonds, 2003 Series, dated July 30, 2003, numbered as they are shown on the books and records of the Paying Agent and Registrar, in the total outstanding principal amount of \$1,405,000, (issued for the purpose of paying the City's Outstanding NDEQ Loan, dated March 29, 1995), maturing and bearing CUSIP numbers in the amounts as follows:

<u>Maturity Date</u> <u>CUSIP No.</u>	<u>Principal Amount</u>
December 15, 2010 051881 AQ3	105,000
June 15, 2011 051881 AR1	110,000
December 15, 2011 051881 AS9	110,000
June 15, 2012 051881 AT7	115,000
December 15, 2012 051881 AU4	115,000
June 15, 2013 051881 AV2	115,000
December 15, 2013 051881 AW0	120,000
June 15, 2014 051881 AX8	120,000
December 15, 2014 051881 AY6	120,000
June 15, 2015 051881 AZ3	125,000
December 15, 2015 051881 BA7	125,000
June 15, 2016 051881 BB5	125,000

Section 2. These bonds are to be paid at the office of the City Treasurer in Aurora, Nebraska, being the office of the Paying Agent and Registrar for said bonds.

Section 3. The Mayor or City Clerk of the City of Aurora (each, an "Authorized Officer") are each individually hereby authorized to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Designation of Call Date"), shall constitute the action of the City without further action of the City Council. The Call Date may be set for any date on or prior to December 31, 2010, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the City Council and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution, together with the Designation of Call Date, shall be filed at least 30 days prior to the date of call with the Paying Agent and Registrar for said bonds and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bonds.

PASSED AND APPROVED this 14th day of September, 2010.

By Marlin Hansen

ATTEST:

Barbra J. Michelson
City Clerk



City Attorney Luzum read Ordinance No. 955: AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2010, OF THE CITY OF AURORA, NEBRASKA, IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE MILLION FOUR HUNDRED FIVE THOUSAND DOLLARS (\$1,405,000) FOR THE PURPOSE OF PAYING OFF CERTAIN OUTSTANDING BONDS OF 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 BONDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS 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. 955 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Anderson seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. 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. 955. Councilor Phillips seconded the motion. The Mayor stated the question, "Shall Ordinance No. 955 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. 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.

7:35 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing for the purpose of hearing support, opposition, criticism, suggestions, and observations relating to a request from the Aurora Airport Authority for \$24,300 in CDBG Re-Use Loan Funds to be used as a local match for a \$486,000 grant for infrastructure repair.

Mayor Seeman asked if there was anyone present who wished to speak in favor of or in opposition to the request. 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.

Councilor Roblee moved to authorize the Mayor to enter into a loan agreement for \$24,300 of reuse funds with the Aurora Airport Authority for infrastructure repair for a term of 5 years at 2.5% annual interest. Councilor Phillips seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. The motion carried.

7:35 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments on the Proposed Budget for FY 2010-2011. The Mayor asked if there was anyone present who wished to speak in favor of the Proposed Budget for FY 2010-2011. The Mayor then asked if there was anyone present who wished to speak in favor of or opposition to the proposed budget, and there was no one. There being no one present to speak in favor of or opposition to the Proposed Budget for FY 2010-2011 the Mayor declared the public hearing closed.

7:40 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments on setting City of Aurora Tax Levy for FY 2010-2011 at .323148 per one hundred dollars valuation (\$881,183.96) for General, at .020115 Interlocal Agreements and at .090934 (\$247,965.10) for Bonds. The Mayor asked if there was anyone present who wished to speak in favor of the proposal. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposal, and there was no one. There being no one present to speak in favor of or opposition to the proposal the Mayor declared the public hearing closed.

Councilor Ramsour moved to exceed the budget lid by 1% as allowed by law for the budget for FY 2010-2011. Councilor Phillips seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion having been concurred in by seventy-five percent of the Council was declared passed.

City Attorney Luzum read Ordinance No. 953 by its title: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT, INCLUDING THE PAY PLAN, PENSION PLANS AND VEBA PLAN, TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE

Councilor Phillips moved to bring Ordinance 953 before the council and to suspend the statutory three reading rule for consideration of this ordinance. Councilor Anderson seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and 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 Shaneyfelt moved for final adoption of Ordinance No. 953. Councilor Ramsour seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 953 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Roblee, Ramsour, Anderson, Helzer, Phillips and Shaneyfelt. 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 Mayor declared passed and adopted and the Mayor 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 Record of the City of Aurora, Nebraska and same be incorporated herein by reference.

Councilor Ramsour moved to adopt Resolution 10-17 setting City of Aurora Tax Levy for FY 2010-2011. Councilor Phillips seconded the motion. Voting Aye: Ramsour, Anderson, Helzer, Phillips, Shaneyfelt and Roblee. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 10-17

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the City passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

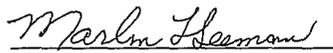
WHEREAS, it is in the best interests of the City that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Aurora, by a majority vote, resolves that:

The 2010-2011 property tax request be set at .323148 per one hundred dollars valuation (\$881,183.96) for General, at .020115 Interlocal Agreements and at .090934 (\$247,965.10) for Bonds.

1. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2010.

Passed and adopted this 14th day of September, 2010.


Mayor

ATTEST:


City Clerk



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 Preliminary Plat of Diamond Subdivision an Addition to the City of Aurora, a part of the Southeast Quarter (SE1/4), of Section Thirty-Three (33), Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, NE.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed subdivision. Zoning Administrator Rick Melcher stated that the Planning Commission was recommending approval of the preliminary plat with exceptions. Those exceptions being that a drainage study and a flood plain hydrology study be submitted and meet the requirements. 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 Ramsour moved to accept the recommendation of the Planning Commission to approve the Preliminary Plat of Diamond Subdivision an Addition to the City of Aurora, a part of the Southeast Quarter (SE1/4), of Section Thirty-Three (33), Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, NE with the exceptions that a drainage study and a flood plain hydrology study be submitted and meet the requirements. Councilor Roblee seconded the motion. Voting Aye: Anderson, Helzer, Phillips, Shaneyfelt, Roblee and Ramsour. Nay: None. The motion carried.

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 Final Plat of Diamond Subdivision an Addition to the City of Aurora, a part of the Southeast Quarter (SE1/4), of Section Thirty-Three (33), Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, NE.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed recommendation. 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.

7:45P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding whether the Diamond Subdivision, an Addition to the City of Aurora, Hamilton County, NE, if finally approved, should be included within the corporate limits of the City of Aurora. 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 recommendation the Mayor declared the public hearing closed.

Councilor Phillips moved to approve Resolution 10-18, approving final plat of Diamond Subdivision and its inclusion within the corporate limits of the city of Aurora providing that a drainage study and a flood plain hydrology study have been submitted and meet the requirements. Councilor Shaneyfelt seconded the motion. Voting Aye: Helzer, Phillips, Shaneyfelt, Roblee, Ramsour and Anderson. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 10-18

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the Final Plat of Diamond Subdivision, an Addition to the City of Aurora, Hamilton County, Nebraska, a part of the Southeast Quarter (SE1/4), of Section Thirty-Three (33), Township Eleven (11) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska, said area containing approximately 22.000 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 plat of Diamond 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 final plat to be known as Diamond 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 final plat of Diamond 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 September, 2010.

Marlin Isomson
Mayor

ATTEST:

Bauro J. M. Helzer
City Clerk



City Attorney Luzum read Ordinance No. 954 by its title: AN ORDINANCE TO EXTEND AND INCREASE THE CORPORATE LIMITS OF THE CITY OF AURORA, COUNTY OF HAMILTON, STATE OF NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTION 17-405.01, R.R.S.1943, BY ANNEXING THERETO A CERTAIN PARCEL OF LAND CONTIGUOUS OR ADJACENT TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF AURORA, CONSISTING OF DIAMOND SUBDIVISION BEING LOCATED IN A PART OF THE SOUTHEAST QUARTER (SE1/4), OF SECTION THIRTY-THREE (33), TOWNSHIP ELEVEN (11) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA.

Councilor Ramsour moved to bring Ordinance No. 954 before the council and to approve the first reading of this ordinance. Councilor Anderson seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Ramsour, Anderson and Helzer. Nay: None. The motion carried.

Councilor Anderson moved to approve the request from Grand Island Crisis Center for funding for FY 2010-2011 for \$1,200. Councilor Roblee seconded the motion. Voting Aye: Shaneyfelt, Roblee, Ramsour, Anderson, Helzer and Phillips. 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 8:10 p.m.

Marlin Seeman
Mayor

ATTEST:

Barbara Mitchell
City Clerk

