

Aurora, Nebraska
November 8, 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 November 8, 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 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 November 2, 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 Hupf moved to approve the minutes as correct from the October 25, 2011 meeting. Councilor Lackore seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. 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 October 31, 2011. Councilor Phillips moved to approve said reports. Councilor Roblee 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.

City Administrator Berry discussed the following topics:

- Thanked everyone for making the Cole Park Projects a success.
- Stated that the Cole Park Trail Project would be completed tonight.
- Stated that the Cole Park Shelter Project should be done in a couple of weeks.
- Energy Efficiency Grant Project is under way and should be completed by the end of November.
- WWTP Expansion project is moving along well.
- Water/Sewer Commissioner Melcher is working with 4 Diamonds Sports on the driveway approach and tree planting for the new ball fields.
- City Offices will be closed Friday for Veteran's Day.
- Clerk/Treasurer Mikkelsen stated the City's audit that was conducted on October 31 and November 1, 2011.

-Thanked Justin Spady and Street Department employees for doing a great job with Clean Up Week.

-Informed the Council that there will be a City Council Meeting the 4th Tuesday of November (November 22) to discuss the health and accident insurance proposals.

7:35P.M. PUBLIC HEARING: Mayor Seeman opened the duly advertised public hearing for the purpose of hearing support, opposition, criticism, suggestions, and observations relating to amending Ordinance No. 453. The Mayor asked if there was anyone present who wished to speak in favor of the amendment. Zoning Administrator Melcher stated the proposed amendment would allow for a correction to be made to the legal description in vacating a portion of Birch Street between 16th Street and 17th Street. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed amendment, and there was no one. There being no one else present to speak in favor of or opposition to the amendment the Mayor declared the public hearing closed.

Councilor Lackore moved to approve Resolution 11-18 to amend Ordinance No. 453. Councilor Roblee 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 11-18

WHEREAS, the City of Aurora, on July 22, 1980, passed and approved Ordinance #453, an ordinance vacating the following streets or portions thereof: The South 7 feet of 1st Street (Now Known as "A" Street) North of Blocks 1, 2, and 3; The East 15 Feet of Nebraska Street (Now Known as 18th Street) Adjoining Block 1; The West 15 Feet of Nebraska Street (Now Known as 18th Street) Adjoining Block 2; The East 15 Feet of Hamilton Street (Now Known as 17th Street) Adjoining Block 2; The West 15 Feet of Hamilton Street (Now Known as 17th Street) Adjoining Blocks 3 and 4; The North 15 Feet of 2nd Street (Now Known as Birch Street) Adjoining Blocks 2 and 3; The South 15 Feet of 2nd Street (Now Known as Birch Street) Adjoining Block 3; and Both Sides of 3-B Street (Now Known as Cedar Street) Between Blocks 4 and 9, all in the Town of Hamilton Addition to the City of Aurora, Hamilton County, Nebraska;

AND WHEREAS, as evident in Section 2 of said Ordinance, the intent was to leave "A" Street 66 feet in width and all other Streets 60 feet in width;

AND WHEREAS, in order to honor said intent, Ordinance #453 should be amended to vacate The South 15 Feet of 2nd Street (Now Known as Birch Street) Adjoining Block 4, as opposed to Block 3;

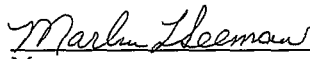
AND WHEREAS, the City Council has held a public hearing which was advertised as provided by law to receive input regarding said amendment to Ordinance #453;

AND WHEREAS, a request has been made to vacate the South 15 Feet of 2nd Street (Now Known as Birch Street) Adjoining Block 4, that no compensable damages have been or will be sustained by the citizens of the City of Aurora, Nebraska, by reason of such vacation, that said portion of Birch Street is not required by the City; and for the public safety, welfare, and convenience the vacation of said portion is reasonable, proper, and necessary and should be granted subject to the provisions of this Resolution;

AND WHEREAS, the City Council hearing no reason why Ordinance #453 should not be amended accordingly, now finds that said amendment should be approved.

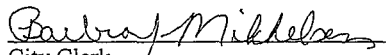
NOW THEREFORE, BE IT RESOLVED that the Ordinance #453 shall be amended to vacate the following streets or portions thereof: The South 7 feet of 1st Street (Now Known as "A" Street) North of Blocks 1, 2, and 3; The East 15 Feet of Nebraska Street (Now Known as 18th Street) Adjoining Block 1; The West 15 Feet of Nebraska Street (Now Known as 18th Street) Adjoining Block 2; The East 15 Feet of Hamilton Street (Now Known as 17th Street) Adjoining Block 2; The West 15 Feet of Hamilton Street (Now Known as 17th Street) Adjoining Blocks 3 and 4; The North 15 Feet of 2nd Street (Now Known as Birch Street) Adjoining Blocks 2 and 3; The South 15 Feet of 2nd Street (Now Known as Birch Street) Adjoining Block 4; and Both Sides of 3-B Street (Now Known as Cedar Street) Between Blocks 4 and 9, all in the Town of Hamilton Addition to the City of Aurora, Hamilton County, Nebraska, and that the Mayor and City Clerk be authorized to execute the approval of said amendment, and cause the same to be filed with the Hamilton County Register of Deeds as required by law. All other provisions of Ordinance #453 not aforementioned, or otherwise specifically referenced, shall remain in full force and effect.

Passed and adopted this 8th day of November, 2011.



Mayor

ATTEST:



City Clerk



7:40P.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 Tom & Carol Balfour dba Hamilton Sales and Service, LLC for \$140,000.00 in CDBG Re-Use Loan Funds to be used for business expansion. The Mayor asked if there was anyone present who wished to speak in favor of the proposed loan. City Administrator Berry explained the details and the process of making the loan. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed loan, and there was no one. There being no one else present to speak in favor of or opposition to the proposed loan the Mayor declared the public hearing closed.

Councilor Phillips moved to authorizing Mayor to enter into a loan agreement with Tom & Carol Balfour dba Hamilton Sales and Service for \$140,000 in CDBG Re-Use Loan Funds to be used for business expansion. 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 approved Resolution 11-19 declaring a snow plow surplus property and authorizing the donation of it to the Aurora Airport. 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 11-19

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

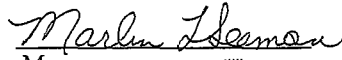
WHEREAS, the City has determined the following to be surplus property:

Street Department:

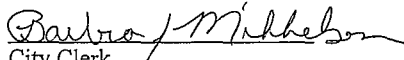
1-Gledhil Snow Plow, 11 foot reversible blade

NOW THEREFORE BE IT RESOLVED that the City staff be authorized to donate said listed snow plow to the Aurora Airport.

Passed and adopted this 8th day of November, 2011.


Mayor

ATTEST:


City Clerk



City Administrator Berry reviewed Change Order No. 1 for the North Streeter Park Sewer Project for Midlands Construction a decrease of \$5,033.50. Councilor Shaneyfelt moved to approve Change Order No. 1 for the North Streeter Park Sewer Project for Midlands Construction a decrease of \$5,033.50. Councilor Lackore seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. The motion carried.

City Administrator Berry reviewed the "Recommendation of Acceptance" for the North Streeter Park Sewer Main Project with Midlands Construction. She stated that the one year project warranty would begin with the acceptance of the project. Councilor Shaneyfelt moved to accept the "Recommendation of Acceptance" for North Streeter Park Sewer Main Project for Midlands Construction. Councilor Phillips seconded the motion. Voting Aye: Lackore, Hupf, Phillips, Shaneyfelt and Roblee. Nay: None. Absent and not voting: Ramsour. The motion carried.

City Administrator Berry reviewed Pay Application No. 4 and Final for the North Streeter Park Sewer Project for Midlands Contracting, Inc. for \$8,051.15. Councilor Lackore moved to approve Pay Application No. 4 and Final for the North Streeter Park Sewer Project for Midlands Contracting, Inc. for \$8,051.15. Councilor Hupf seconded the motion. Voting Aye: Hupf, Phillips, Shaneyfelt, Roblee and Lackore. Nay: None. Absent and not voting: Ramsour. The motion carried.

Julie Ogden of JEO Consulting reviewed Change Order No. 3 for the Cole Park RTP Trail Project for Dostals Construction Co. Inc. a decrease of \$350.00. Councilor Phillips moved to approve Change Order No. 3 for the Cole Park RTP Trail Project for Dostals Construction Co. Inc. a decrease of \$350.00. Councilor Hupf seconded the motion. Voting Aye: Phillips, Shaneyfelt, Roblee, Lackore and Hupf. Nay: None. Absent and not voting: Ramsour. The motion carried.

Julie Ogden of JEO Consulting reviewed the "Recommendation of Acceptance" for the Cole Park RTP Trail Project for Dostals Construction Co. Inc. She told the Council that the one year project warranty would start with the acceptance of the project. Councilor Shaneyfelt moved to accept the "Recommendation of Acceptance" for the Cole Park RTP Trail Project for Dostals Construction Co. Inc. Councilor Lackore seconded the motion. Voting Aye: Shaneyfelt, Roblee, Lackore, Hupf and Phillips. Nay: None. Absent and not voting: Ramsour. The motion carried.

Julie Ogden of JEO Consulting reviewed Pay Application No. 3 and Final for Cole Park RTP Trail Project for Dostals Construction Co., Inc. for \$14,139.45. Councilor Roblee moved to approved Pay Application No. 3 and Final for Cole Park RTP Trail Project for Dostals Construction Co., Inc. for \$14,139.45. Councilor Lackore seconded the motion. Voting Aye: Roblee, Lackore, Hupf, Phillips and Shaneyfelt. Nay: None. Absent and not voting: Ramsour. The motion carried.

City Administrator Berry and Julie Ogden of JEO Consulting reviewed the final plans and specifications for the Street Park Trail Improvements Project, RTP 2010 (004), and explained the advertising for bids process. Councilor Shaneyfelt moved to approve the final plans and specifications for the Street Park Trail Improvements Project, RTP 2010 (004), and to authorize the advertising for bids. Councilor Lackore seconded the motion. Voting Aye: Lackore, Phillips, Shaneyfelt and Roblee. Nay: Hupf. 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 8:12p.m.

Marlin Seeman
Mayor

ATTEST:

Barbra Milheben
City Clerk

