

Aurora, Nebraska  
September 13, 2016

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 13, 2016 at the City Hall. Present were Councilors: Paul Lackore, Wayne Roblee, Daniel Bartling, Dorothy Anderson and Kelly Grossnicklaus. Mayor David Long conducted the meeting. City Officials present were City Administrator Eric Melcher, City Attorney Ross Luzum, Chief of Police Paul Graham, Utility Superintendent Adam Darbro and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on September 7, 2016. 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 Long 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 August 23, 2016 meeting as amended. Councilor Anderson seconded the motion. Voting Aye: Roblee, Bartling, Anderson, Grossnicklaus and Lackore. Nay: None. Absent and not voting: Phillips. The motion carried.

**PETITIONS, COMPLAINTS, COMMUNICATIONS:**

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

Clerk/Treasurer Mikkelsen presented the Expenditures and Clerk/Treasurer reports for the month ending August 31, 2016. Councilor Lackore moved to approve said reports. Councilor Roblee seconded the motion. Voting Aye: Bartling, Anderson, Grossnicklaus, Lackore and Roblee. Nay: None. Absent and not voting: Phillips. The motion carried.

Claims Committee Member Lackore 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 Grossnicklaus seconded the motion. Voting Aye: Anderson, Grossnicklaus, Lackore, Roblee and Bartling. Nay: None. Absent and not voting: Phillips. The motion carried. A listing of said claims is attached to these minutes.

Jennifer Friesen of the Hamilton County Senior Center presented their funding request for Fiscal Year 2016-2017 for \$24,000. Councilor Roblee moved to approve the Hamilton County Senior Center funding request for Fiscal Year 2016-2017 for \$24,000. Councilor Lackore seconded the motion. Voting Aye: Grossnicklaus, Lackore, Roblee, Bartling and Anderson. Nay: None. Absent and not voting: Phillips. The motion carried.

Lex Ann Roach of the Grand Island Crisis Center present their funding request for Fiscal Year 2016-2017 for \$2,000. Councilor Lackore moved to approve the request from the Grand Island Crisis Center for funding for Fiscal Year 2016-2017 for \$2,000.00. Councilor Anderson seconded the motion. Voting Aye: Grossnicklaus, Lackore, Roblee, Bartling and Anderson. Nay: None. Absent and not voting: Phillips. The motion carried.

**7:30 P.M. PUBLIC HEARING:**

Mayor Long opened the duly advertised public hearing to receive public comments on the Proposed Budget for FY 2016-2017. The Mayor asked if there was anyone present who wished to speak in favor of the Proposed Budget for FY 2016-2017. The Mayor then asked if there was anyone present who wished to speak in opposition to the proposed budget. There being no one present to speak in favor of or opposition to the Proposed Budget for FY 2016-2017 the Mayor declared the public hearing closed.

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

Mayor Long opened the duly advertised public hearing to receive public comments on setting the City of Aurora Tax Levy for FY 2016-2017 at .310353 per one hundred dollars valuation (\$1,270,929.93) for General, at .064839 (\$265,523.04) for Bonds and at .022941 for Interlocal Agreements. The Mayor asked if there was anyone present who wished to speak in favor of the proposal and there was no one. 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 Lackore moved to adopt Resolution 16-10 to exceed the budget lid by 1% as allowed by law for the budget for FY 2016-2017. Councilor Roblee seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Anderson and Grossnicklaus. Nay: None. Absent and not voting: Phillips. The motion carried and the following resolution was declared passed and adopted.

**RESOLUTION 16-10**

WHEREAS, Nebraska Revised Statute 13-519 provides that the City of Aurora is limited to increasing its total of budgeted restricted revenues to no more than the prior year's total of budgeted restricted funds plus two and one-half percent (2 ½%) expressed in dollars; and

WHEREAS, 13-519 authorizes the City of Aurora to exceed the foregoing budget limit by an additional one percent (1%) increase in budgeted restricted revenues upon the affirmative vote of at least 75% of the governing body; and

WHEREAS, the Annual Budget document for Fiscal Year 2016-2017 and Program for Municipal Services in the Lid Computation for FY2016-2017 supported by the detail relating to restricted revenue accounts, proposes an additional increase in the prior year's budgeted funds of an additional one percent (1%) as provided by the statute; and

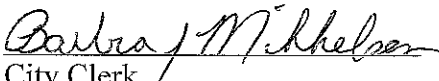
WHEREAS, approval of the additional one percent (1%) increase in budgeted restricted revenues provides maximum funding sources, does not increase authorized expenditures and is in the best interest of the City of Aurora and its citizens; and

NOW, THEREFORE, BE IT RESOVLED BY THE MAYOR AND THE COUNCIL OF THE CITY OF AURORA, NEBRASKA, that by affirmative vote by more than 75% of the City Council, budgeted restricted revenue funds for Fiscal Year 2016-2017 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute 13-519.

Passed and adopted this 13<sup>th</sup> day of September, 2016.

  
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Mayor

ATTEST:

  
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City Clerk



City Attorney Luzum read Ordinance No. 1035 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 Lackore moved to bring Ordinance 1035 before the council and to suspend the statutory three reading rule for consideration of this ordinance. Councilor Roblee seconded the motion. Voting Aye: Roblee, Bartling, Anderson, Grossnicklaus and Lackore. Nay: None. Absent and not voting: Phillips. 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 Lackore moved for final adoption of Ordinance No. 1035. Councilor Roblee seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1035 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Bartling, Anderson, Grossnicklaus, Lackore and Roblee. Nay: None. Absent and not voting: Phillips.

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 Roblee moved to adopt Resolution 16-11 setting City of Aurora Tax Levy. Councilor Grossnicklaus seconded the motion. Voting Aye: Anderson, Grossnicklaus, Lackore, Roblee and Bartling. Nay: None. Absent and not voting: Phillips. The motion carried and the following resolution was declared passed and adopted.

#### **RESOLUTION 16-11**

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

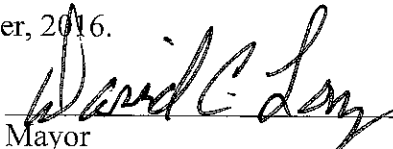
WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

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.

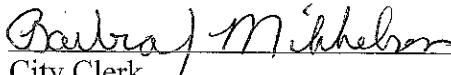
NOW, THEREFORE, the Governing Body of the City of Aurora, by a majority vote, resolves that:

1. The FY 2016-2017 property tax request be set at .310353 per one hundred dollars valuation (\$1,270,929.93) for General, at .064839 (\$265,523.04) for Bonds and at .022941 for Interlocal Agreements.
2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2016.

Passed and adopted this 13<sup>th</sup> day of September, 2016.

  
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Mayor

ATTEST:

  
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City Clerk



**7:40 P.M. PUBLIC HEARING:**

Mayor Long opened the duly advertised public hearing to hear public comments regarding amending Ordinance No. 957, the Zoning Ordinance to the City of Aurora, Nebraska, Article 4, Section 420 to update the Airport Hazard Overlay District.

Mayor Long asked if there was anyone present who wished to speak in favor of the recommendation and there was no one. The Mayor then asked if there was anyone present that wished to speak in opposition to the change and there was no one. There being no one present that wished to speak in favor of or in opposition to the amendment the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 1036: AN ORDINANCE TO AMEND ORDINANCE 957, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, BY AMENDING THE FOLLOWING SECTION OF ARTICLE FOUR: SECTION 420, AHO AIRPORT HAZARD OVERLAY DISTRICT, Subsections 420.01 through 420.12; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO ORDER THE ORDINANCE PUBLISHED IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Orville Stahr of Stahr & Associates reviewed the amendments contained in the ordinance. Councilor Lackore moved to bring Ordinance No. 1036 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Grossnicklaus seconded the motion. Voting Aye: Grossnicklaus, Lackore, Roblee, Bartling and Anderson. Nay: None. Absent and not voting: Phillips. 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 Lackore moved for final adoption of Ordinance No. 1036. Councilor Anderson seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1036 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Grossnicklaus, Lackore, Roblee, Bartling and Anderson. Nay: None. Absent and not voting: Phillips.

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.

**7:45 P.M. PUBLIC HEARING:**

Mayor Long opened the duly advertised public hearing to hear public comments regarding amending Ordinance No. 957 the Zoning Ordinance of the City of Aurora, Article 4, Sections 409.05, 413.02, 413.04, 413.05, 414.04, 414.05, 415.02, 415.04, 416.02, 416.04, 418.04 and 418.05 and Article 5, Section 524. The amendment will update the Sexually Oriented Business regulations.

Mayor Long asked if there was anyone present who wished to speak in favor of the recommendation and there was no one. The Mayor then asked if there was anyone present that wished to speak in opposition to the change and there was no one. There being no one present that wished to speak in favor of or in opposition to the amendment the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 1037 AN ORDINANCE TO AMEND ORDINANCE 957, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, BY AMENDING THE FOLLOWING SECTIONS OF ARTICLE FOUR: ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS: SECTION 409, AG AGRICULTURAL DISTRICT, SUBSECTION 409.05, SECTION 413, C-1 CENTRAL BUSINESS DISTRICT, SUBSECTIONS 413.02, 413.04, AND 413.05, SECTION 414, C-2 GENERAL COMMERCIAL DISTRICT, SUBSECTIONS 414.04 AND 414.05, SECTION 415, I-1 LIGHT INDUSTRIAL DISTRICT, SUBSECTIONS 415.02 AND 415.04, SECTION 416, I-2 INDUSTRIAL DISTRICT, SUBSECTIONS 416.02 AND 416.04, AND SECTION 418, I80X INTERSTATE INTERCHANGE DISTRICT, SUBSECTIONS 418.04 AND 418.05; AND BY ADDING THE FOLLOWING SECTION TO ARTICLE FIVE: SUPPLEMENTAL REGULATIONS: SECTION 524, SEXUALLY ORIENTED BUSINESSES, SUBSECTIONS 524.01 THROUGH 524.05; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO ORDER THE ORDINANCE PUBLISHED IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Orville Stahr of Stahr & Associates reviewed the amendments contained in the ordinance. Councilor Lackore moved to bring Ordinance No. 1037 before the council and to approve the first reading of this ordinance. Councilor Roblee seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Anderson and Grossnicklaus. Nay: None. Absent and not voting: Phillips. The motion carried.

**7:50P.M. PUBLIC HEARING:**

Mayor Long opened the duly advertised public hearing to receive public comments on the recommendation of the Planning Commission to approve the request from Aurora Development Corporation to approve the Preliminary Plat for Woodard 4th Addition, A Replat of Lot 3 Woodard 3rd Addition, City of Aurora, Hamilton County, Nebraska.

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

Councilor Lackore moved to accept the recommendation of the Planning Commission to approve the request from Aurora Development Corporation to approve the Preliminary Plat for Woodard 4th Addition, A Replat of Lot 3 Woodard 3rd Addition, City of Aurora, Hamilton County, Nebraska. Councilor Grossnicklaus seconded the motion. Voting Aye: Roblee, Bartling, Anderson, Grossnicklaus and Lackore. Nay: None. Absent and not voting: Phillips. The motion carried.

**7:55P.M. PUBLIC HEARING:**

Mayor Long opened the duly advertised public hearing to receive public comments on the recommendation of the Planning Commission to approve the request from Aurora Development Corporation to approve the Final Plat for Woodard 4th Addition, A Replat of Lot 3 Woodard 3rd Addition, City of Aurora, Hamilton County, Nebraska.

The Mayor asked if there was anyone present who wished to speak in favor of the proposed recommendation and there was no one. 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 present to speak in favor of or opposition to the proposed recommendation the Mayor declared the public hearing closed.

Councilor Lackore moved to approve Resolution 16-12 approving the Final Plat for Woodard 4th Addition. Councilor Grossnicklaus seconded the motion. Voting Aye: Bartling, Anderson, Grossnicklaus, Lackore and Roblee. Nay: None. Absent and not voting: Phillips. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 16-12

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the Preliminary Plat and the Final Plat of Woodard 4<sup>th</sup> Addition, a replat of Lot 3, Woodard 3<sup>rd</sup> Addition, comprising all of Lot Three (3), Woodard 3<sup>rd</sup> Addition, City of Aurora, Hamilton County, Nebraska; and have held separate public hearings to consider whether the Subdivision should be included within the Corporate limits of the City of Aurora, and

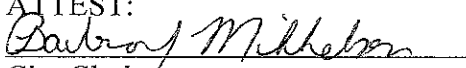
WHEREAS, said plat of Woodard 4<sup>th</sup> Addition meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

WHEREAS, the Aurora Planning Commission has recommended to the City Council approval of the Final Plat to be known as Woodard 4<sup>th</sup> Addition 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 Woodard 4<sup>th</sup> Addition 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 13<sup>th</sup> day of September, 2016.

  
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Mayor

ATTEST:  
  
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City Clerk

Pat Shaw of Hamilton Telecommunications explained the street light installation request. Councilor Roblee moved to approve the request form Hamilton Telecommunications to install street lights that would occupy City Right of Way with the City taking ownership of said street lights after they have been installed. Councilor Anderson seconded the motion. Voting Aye: Anderson, Grossnicklaus, Lackore, Roblee and Bartling. Nay: None. Absent and not voting: Phillips. The motion carried.

City Administrator Melcher reviewed Pay Application No. 2 for Downey Drilling, Inc. for the 2016 Municipal Water Supply Improvements (Group A) for \$49,926.15. Councilor Lackore moved to approve Pay Application No. 2 for Downey Drilling, Inc. for the 2016 Municipal Water Supply Improvements (Group A) for \$49,926.15. Councilor Roblee seconded the motion. Voting Aye: Grossnicklaus, Lackore, Roblee, Bartling and Anderson. Nay: None. Absent and not voting: Phillips. The motion carried.

City Administrator Melcher reviewed Pay Application No. 1 for Schwisow Construction Co. for the 2016 Municipal Well Building & Electrical Improvements) for \$87,231.24. Councilor Roblee moved to approve Pay Application No. 1 for Schwisow Construction Co. for the 2016 Municipal Well Building & Electrical Improvements) for \$87,231.24. Councilor Lackore seconded the motion. Voting Aye: Grossnicklaus, Lackore, Roblee, Bartling and Anderson. Nay: None. Absent and not voting: Phillips. The motion carried.

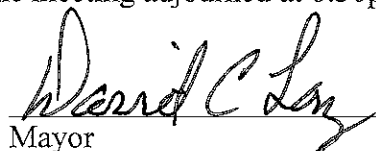
City Administrator Melcher reviewed Change Order No. 1 for Fire Hall Expansion Project for Herk's Welding Inc. an increase of \$1,100.00. Councilor Roblee moved to approve Change Order No. 1 for Fire Hall Expansion Project for Herk's Welding Inc. an increase of \$1,100.00. Councilor Lackore seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Anderson and Grossnicklaus. Nay: None. Absent and not voting: Phillips. The motion carried.

City Administrator Melcher reviewed Pay Application No. 1 for Herk's Welding Inc. for the Fire Hall Expansion Project for \$27,806.62. Councilor Lackore moved to approve Pay Application No. 1 for Herk's Welding Inc. for the Fire Hall Expansion Project for \$27,806.62. Councilor Roblee seconded the motion. Voting Aye: Roblee, Bartling, Anderson, Grossnicklaus and Lackore. Nay: None. Absent and not voting: Phillips. The motion carried.

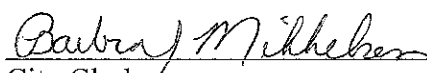
**MISCELLANEOUS:**

**ADJOURNMENT:**

Having completed all items on the agenda, and there being no further business to conduct, Mayor Long declared the meeting adjourned at 8:30p.m.

  
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Mayor

ATTEST:

  
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City Clerk

