

Aurora, Nebraska
September 14, 2021

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, 2021 at the City Hall. Present were Councilors: Paul Lackore, Wayne Roblee, Daniel Bartling, Mark Dunn, Dick Phillips and Nancy Lohrmeyer. Mayor Marlin Seeman conducted the meeting. City Officials present were City Administrator Eric Melcher, City Attorney Ross Luzum, Police Lieutenant Ryan Dummer, Utilities Superintendent Adam Darbro and Clerk/Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on September 8, 2021. 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 August 24 and September 13, 2021 meetings. Councilor Lohrmeyer seconded the motion. Voting Aye: Roblee, Bartling, Dunn, Phillips, Lohrmeyer, and Lackore. Nay: None. The motion carried.

PETITIONS, COMPLAINTS, COMMUNICATIONS:

REPORTS BY OFFICERS, BOARD, COMMITTEES:

Clerk/Treasurer Mikkelsen August 31, 2021. Councilor Phillips moved to approve said reports. Councilor Dunn seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer, Lackore and Roblee. Nay: None. The motion carried.

Claims Committee Member Lohrmeyer 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 Dunn seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore, Roblee and Bartling. Nay: None. The motion carried. A listing of said claims is attached to these minutes.

7:30 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments on the One and Six Year Street Improvement Plan. He asked if there was anyone present who wished to speak in favor of the One and Six Year Street Improvement Plan. Andrew Wilshusen of JEO Consulting reviewed the plan. Councilor Lackore pointed out an error and Andrew Wilshusen said it would be corrected before the plan was submitted. Mayor Seeman then asked if there was anyone who wished to speak in opposition to the plan. There being no one present that wished to speak in favor of or in opposition to the One and Six Year Street Improvement Plan Mayor Seeman declared the public hearing closed.

Councilor Roblee moved to adopt Resolution 21-12 for the One and Six Year Street Improvement Plan with the correction presented. Councilor Phillips seconded the motion. Voting Aye: Phillips, Lohrmeyer, Lackore, Roblee, Bartling and Dunn. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 21-12

The following resolution was introduced by Councilor Roblee, who moved its adoption, seconded by Councilor Phillips,

“WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Aurora, and

WHEREAS, a public meeting was held on the 14th day of September, 2021, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of the City of Aurora, Nebraska that the plans and data as furnished are hereby in all things accepted and adopted.”

Upon roll call vote as follows:

| | |
|----------------------------|------------|
| <u>Councilor Phillips</u> | <u>Aye</u> |
| <u>Councilor Lohrmeyer</u> | <u>Aye</u> |
| <u>Councilor Lackore</u> | <u>Aye</u> |
| <u>Councilor Roblee</u> | <u>Aye</u> |
| <u>Councilor Bartling</u> | <u>Aye</u> |
| <u>Councilor Dunn</u> | <u>Aye</u> |

Mark Lohman
Mayor

ATTEST: Barbara Mithelsen
Clerk



Councilor Lackore moved to adopt Resolution 21-13 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance Form to comply with new legislation. Councilor Lohrmeyer seconded the motion. Voting Aye: Lohrmeyer, Lackore, Roblee, Bartling, Dunn and Phillips. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 21-13

WHEREAS: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards: and

WHEREAS: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

BE IT RESOLVED that the Mayor of the City of Aurora, Nebraska is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this 14th day of September, 2021 at Aurora, Nebraska.

City Councilors:

Councilor Lohrmeyer

Councilor Lackore

Councilor Roblee

Councilor Bartling

Councilor Dunn

Councilor Phillips



ATTEST: Barbara Mikkelsen
Clerk

7:30 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 from Tom Cornwell for the Final Plat of Cornwell Subdivision, City of Aurora, Hamilton County, Nebraska, a part of the Northwest Quarter (1/4), of the Northwest Quarter (1/4) of Section Four (4), Township Ten (10) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska.

The Mayor asked if there was anyone present who wished to speak in opposition of the proposed recommendation and there was no one. The Mayor then asked if there was anyone present who wished to speak in support of 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 Phillips moved to approve Resolution 21-14 approving the Final Plat for Tom Cornwell. Councilor Roblee seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Dunn, Phillips and Lohrmeyer. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 21-14

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the Final Plat of Cornwell Subdivision, an addition to the City of Aurora, Hamilton County, Nebraska, comprising a part of the Northwest Quarter (NW1/4), of the Northwest Quarter (NW1/4) of Section Four (4), Township Ten (10) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska, said area containing approximately 3.874 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 Cornwell 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 Cornwell 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;

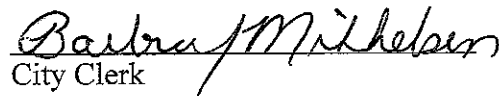
BE IT THEREFORE RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska, that the Final Plat of Cornwell Subdivision be hereby approved and that said addition shall be included within the Corporate limits of the City of Aurora, Nebraska, and that the Mayor and City Clerk be authorized 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, 2021.



Mayor

ATTEST:



City Clerk



7:35P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised Public Hearing: to hear public comments regarding amending Ordinance No. 1110, the Zoning Ordinance to the City of Aurora, Nebraska and to amend the Land Use Plan, a part of the Comprehensive Plan, Ordinance No. 1109, to reflect changes in zoning for the property located at: Lot One (1), Cornwell Subdivision, City of Aurora, Hamilton County, Nebraska,

Mayor Seeman asked if there was anyone present who wished to speak in opposition of the recommendations and there was no one. The Mayor then asked if there was anyone present that wished to speak in support to the changes and there was no one. 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. 1128: AN ORDINANCE TO AMEND ORDINANCE 1110, 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 LOCATED AT LOT ONE (1), CORNWELL SUBDIVISION, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM RESIDENTIAL DISTRICT DESIGNATION (R-1) TO GENERAL COMMERCIAL DISTRICT DESIGNATION (C-2), 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; TO REPEAL PRIOR ORDINANCES, TO REQUIRE FILING, AND TO PROVIDE AN EFFECTIVE DATE.

Councilor Phillips moved to bring Ordinance No. 1128 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Bartling seconded the motion. Voting Aye: Roblee, Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. The motion carried.

Councilor Lackore moved for final adoption of Ordinance No. 1128. Councilor Dunn seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1128 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Bartling, Dunn, Phillips, Lohrmeyer, Lackore, and Roblee. 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 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.

City Attorney Luzum read Ordinance No. 1129: AN ORDINANCE TO AMEND ORDINANCE 1109, 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 ONE (1), CORNWELL SUBDIVISION, CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, BE CHANGED FROM RESIDENTIAL DISTRICT DESIGNATION (R-1) TO GENERAL COMMERCIAL DISTRICT DESIGNATION (C-2); TO REPEAL PRIOR ORDINANCES, TO REQUIRE FILING, AND TO PROVIDE AN EFFECTIVE DATE.

Councilor Lackore moved to bring Ordinance No. 1129 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Roblee seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore, Roblee and Bartling. Nay: None. The motion carried.

Councilor Phillips moved for final adoption of Ordinance No. 1129. Councilor Lohrmeyer seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1129 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Phillips, Lohrmeyer, Lackore, Roblee, Bartling and Dunn. 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 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.

7:35 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 2021-2022 at .311798 per one hundred dollars valuation (\$1,371,943.39) for General, at .067032 (\$294,947.61) for Bonds. 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 Phillips moved to adopt Resolution 21-15 to exceed the budget lid by 1% as allowed by law for the budget for FY 2021-2022. Councilor Lackore seconded the motion. Voting Aye: Lohrmeyer, Lackore, Roblee, Bartling, Dunn and Phillips. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 21-15

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 75 percent of the members of the governing body constituting a quorum authorized to conduct business; and

WHEREAS, the Annual Budget document for Fiscal Year 2021-2022 and Program for Municipal Services in the Lid Computation for FY 2021-2022 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 of 75 percent of the members of the governing body constituting a quorum authorized to conduct business, budgeted restricted revenue funds for Fiscal Year 2021-2022 shall be increased by an additional one percent (1%) as provided by Nebraska Revised Statute 13-519.

Passed and adopted this 14th day of September, 2021.



Mayor

ATTEST:



City Clerk



City Attorney Luzum read Ordinance No. 1130 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 1130 before the council and to suspend the statutory three reading rule for consideration of this ordinance. Councilor Lackore seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Dunn, Phillips and Lohrmeyer. 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 Roblee moved for final adoption of Ordinance No. 1130. Councilor Dunn seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1130 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Roblee, Bartling, Dunn, Phillips, Lohrmeyer and Lackore. 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 Lohrmeyer moved to adopt Resolution 21-16 setting City of Aurora Tax Levy for FY 2021-2022. Councilor Phillips seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer, Lackore and Roblee. Nay: None. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION 21-16

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the City of Aurora passes by a majority vote a resolution or ordinance setting the tax request;

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

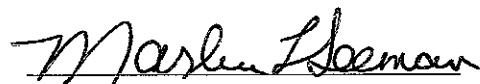
NOW, THEREFORE, the Governing Body of the City of Aurora, resolves that:

1. The FY 2021-2022 property tax request be set at:

General Fund: \$1,371,943.39 (.311798)
Bond Fund: \$ 294,947.61 (.067032)

2. The total assessed value of property differs from last year's total assessed value by 3.14 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.357585 per \$100 of assessed value.
4. The City of Aurora proposes to adopt a property tax request that will cause its tax rate to be \$.378830 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Aurora will exceed last year's by 5.64 percent.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2021.

Passed and adopted this 14th day of September, 2021.


Mayor

ATTEST:


City Clerk



Andrew Wilshusen of JEO Consulting reviewed the Certificate of Substantial Completion for the Tributary to Lincoln Creek Storm Sewer Improvements for Diamond Engineering Company. Councilor Roblee moved to approve the Certificate of Substantial Completion for Tributary to Lincoln Creek Storm Sewer Improvements for Diamond Engineering Company. Councilor Bartling seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore, Roblee and Bartling. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed the Change Order for the Tributary to Lincoln Creek Storm Sewer Improvements for Diamond Engineering Company, a decrease of \$10,999.10. Councilor Lackore moved to approve the Change Order for the Tributary to Lincoln Creek Storm Sewer Improvements for Diamond Engineering Company, a decrease of \$10,999.10. Councilor Phillips seconded the motion. Voting Aye: Phillips, Lohrmeyer, Lackore, Roblee, Bartling and Dunn. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed Pay Application No. 2 and Final for Tributary to Lincoln Creek Storm Sewer Improvements for Diamond Engineering Company for \$137,643.11. Councilor Lackore moved to approve Pay Application No. 2 and Final for Tributary to Lincoln Creek Storm Sewer Improvements for Diamond Engineering Company for \$137,643.11. Councilor Phillips seconded the motion. Voting Aye: Lohrmeyer, Lackore, Roblee, Bartling, Dunn and Phillips. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed the Certificate of Substantial Completion for the Madison Ave. Paving & Storm Sewer Improvements for Diamond Engineering Company. Councilor Phillips moved to approve the Certificate of Substantial Completion for the Madison Ave. Paving & Storm Sewer Improvements for Diamond Engineering Company. Councilor Dunn seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Dunn, Phillips and Lohrmeyer. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed the Change Order for the Madison Ave. Paving & Storm Sewer Improvements for Diamond Engineering Company, a decrease of \$5,726.96. Councilor Lohrmeyer moved to approve the Change Order for the Madison Ave. Paving & Storm Sewer Improvements for Diamond Engineering Company, a decrease of \$5,726.96. Councilor Phillips seconded the motion. Voting Aye: Roblee, Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed Pay Application No. 2 and Final for Madison Ave. Paving and Storm Sewer Improvements for Diamond Engineering Company for \$220,771.34. Councilor Dunn moved to approve Pay Application No. 2 and Final for Madison Ave. Paving and Storm Sewer Improvements for Diamond Engineering Company for \$220,771.34. Councilor Lackore seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer, Lackore and Roblee. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed the Certificate of Substantial Completion for the Madison Ave. Water and Sewer Extension for Diamond Engineering Company. Councilor Lackore moved to approve the Certificate of Substantial Completion for the Madison Ave. Water and Sewer Extension for Diamond Engineering Company. Councilor Roblee seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore, Roblee and Bartling. Nay: None. The motion carried.

Andrew Wilshusen of JEO Consulting reviewed Pay Application No. 3 for Madison Ave. Water and Sewer Extension for Diamond Engineering Company for \$4,228.00. Councilor Phillips moved to approve Pay Application No. 3 for Madison Ave. Water and Sewer Extension for Diamond Engineering Company for \$4,228.00. Councilor Dunn seconded the motion. Voting Aye: Phillips, Lohrmeyer, Lackore, Roblee, Bartling and Dunn. Nay: None. The motion carried.

John Zwingman of Advance Consulting Engineering Services Inc. reviewed the agreement for the Scope of Services for Streeter 3 and 4 Subdivisions infrastructure improvements. Councilor Roblee moved to authorize the Mayor to enter into an agreement with Advance Consulting Engineering Services Inc. for the Scope of Services for Streeter 3 and 4 Subdivisions infrastructure improvements. Councilor Lohrmeyer seconded the motion. Voting Aye: Lohrmeyer, Lackore, Roblee, Bartling, Dunn and Phillips. Nay: None. The motion carried.

Councilor Phillips moved to approve the plans and specifications for Streeter 3 and 4 Subdivisions infrastructure improvements and authorize advertising for bids. Councilor Lackore seconded the motion. Voting Aye: Lackore, Roblee, Bartling, Dunn, Phillips and Lohrmeyer. Nay: None. The motion carried.

Councilor Lackore moved to approve the manager application for a Class D Liquor License for Kinsey Bosselman for Pump & Pantry #7. Councilor Dunn seconded the motion. Voting Aye: Roblee, Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. The motion carried.

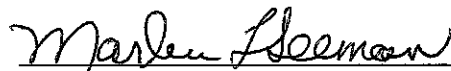
Councilor Lackore moved to approve the request from Prairie Creek Vineyards for a Special Designated Liquor license for an event at the Edgerton Center on December 4, 2021 from 4:00pm-12:00am. Councilor Lohrmeyer seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer, Lackore and Roblee. Nay: None. The motion carried.

Councilor Lohrmeyer moved to approve an Administrative Subdivision for: Lots 4-6, Block 3, Lincolnshire Subdivision, City of Aurora, Nebraska. Councilor Phillips seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore, Roblee and Bartling. Nay: None. The motion carried.

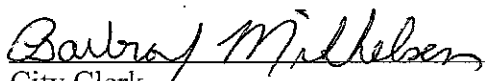
MISCELLANEOUS:

ADJOURNMENT:

Having completed all items on the agenda, and there being no further business to conduct, Mayor Seeman declared the meeting adjourned at 8:09p.m.


Mayor

ATTEST:


City Clerk

