

Aurora, Nebraska
January 9, 2024

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 January 9, 2024 at the City Hall. Present were Councilors: Paul Lackore, 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, Chief of Police Paul Graham, Utilities Superintendent Adam Darbro and Clerk Treasurer Barbra Mikkelsen.

Notice of said meeting was given by publication in the Aurora News Register on January 3, 2024. 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 Dunn moved to approve the minutes from the December 12, 2023 meeting. Councilor Lohrmeyer seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. Absent and not voting: Roblee. 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 December 31, 2023. Councilor Lackore moved to approve said reports. Councilor Phillips seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. Absent and not voting: Roblee. 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 and Bartling. Nay: None. Absent and not voting: Roblee. The motion carried. A listing of said claims is attached to these minutes.

Chief of Police Paul Graham presented Life Saving Awards to Carlin Engert and Officer Nate Friesen.

City Attorney Luzum gave the Oath of Office to Police Officer Peyton Ott.

City Attorney Luzum read Ordinance No. 1175: 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, R.R.S.1943, BY ANNEXING THERETO A CERTAIN PARCEL OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF AURORA, CONSISTING OF OUTLOT 'A' AND THE STREET RIGHT-OF-WAYS OF KREMER AVENUE AND HAYES STREET WITHIN MISSION CRITICAL SECOND ADDITION, AN ADDITION TO THE CITY OF AURORA, HAMILTON COUNTY, NEBRASKA, A TRACT OF LAND COMPRISING A PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION FIFTEEN (15), TOWNSHIP TEN (10) NORTH, RANGE SIX (6) WEST OF THE 6TH P.M., HAMILTON COUNTY, NEBRASKA; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS, TO ORDER THE ORDINANCE PUBLISHED IN BOOK, PAMPHLET, OR ELECTRONIC FORM, AND TO PROVIDE AN EFFECTIVE DATE.

Councilor Phillips moved to bring Ordinance No. 1175 before the council and to approve the third and final reading of this ordinance. Councilor Lackore seconded the motion. Voting Aye: Phillips, Lohrmeyer, Lackore, Bartling and Dunn. Nay: None. Absent and not voting: Roblee. The motion carried.

Councilor Dunn moved for final adoption of Ordinance No. 1175. Councilor Lackore seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1175 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Lohrmeyer, Lackore, Bartling, Dunn and Phillips. Nay: None. Absent and not voting: Roblee.

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 Lackore moved to approve Resolution 24-01 to rescind approval of the Administrative Subdivisions for: Each Individual Lot of Lots 2, 3, 4, 12, 13 and 14 of Streeter's Third Addition- Replat. Councilor Phillips seconded the motion. Voting Aye: Lackore, Bartling, Dunn, Phillips and Lohrmeyer. Nay: None. Absent and not voting: Roblee. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 24-01

A RESOLUTION RESCINDING ADMINISTRATIVE SUBDIVISION APPROVAL OF LOT 2, LOT 3, LOT 4, LOT 12, LOT 13, AND LOT 14 OF STREETER'S THIRD ADDITION – REPLAT


WHEREAS, the administrative subdivisions of lot 2, lot 3, lot 4, lot 12, lot 13 and lot 14 of Streeter's Third Addition – Replat were approved by the Aurora City Council on November 14, 2023; and

WHEREAS, the administrative subdivisions of lot 2, lot 3, lot 4, lot 12, lot 13 and lot 14 of Streeter's Third Addition – Replat were filed for record at the Hamilton County Clerk's office on November 15, 2023 in miscellaneous book 57, pages 15, 16, 17, 18, 19 and 20; and

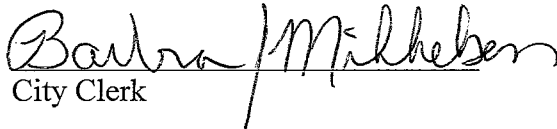
WHEREAS, the Owner requests that approval of the administrative subdivisions be rescinded.

BE IT THEREFORE RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska, that the administrative subdivisions of lot 2, lot 3, lot 4, lot 12, lot 13 and lot 14, Streeter's Third Addition – Replat approved by City Council on November 14, 2023 and filed for record at the Hamilton County Clerk's office on November 15, 2023 are hereby rescinded.

Adopted this 9th day of January, 2024.


Mayor

ATTEST:


City Clerk



Justin Atkins of JEO Consulting reviewed the Certificate of Substantial Completion for the Tributary of Lincoln Creek Bank Stabilization E of 9th Street project. Councilor Phillips moved to approve the Certificate of Substantial Completion for the Tributary of Lincoln Creek Bank Stabilization E of 9th Street project. Councilor Lackore seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. Absent and not voting: Roblee. The motion carried.

Justin Atkins of JEO Consulting reviewed Pay Application No. 1 & Final for Tributary of Lincoln Creek Bank Stabilization E of 9th Street project to Kokes Construction for \$88,047.64. Councilor Phillips moved to approve Pay Application No. 1 & Final for Tributary of Lincoln Creek Bank Stabilization E of 9th Street project to Kokes Construction for \$88,047.64. Councilor Dunn seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. Absent and not voting: Roblee. The motion carried.

Justin Atkins of JEO Consulting reviewed the Certificate of Substantial Completion for the Aurora Detention Pond Retaining Wall project. Councilor Lackore moved to approve the Certificate of Substantial Completion for the Aurora Detention Pond Retaining Wall project. Councilor Dunn seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore and Bartling. Nay: None. Absent and not voting: Roblee. The motion carried.

Justin Atkins of JEO Consulting reviewed Pay Application No. 1 & Final for Aurora Detention Pond Retaining Wall project to Kokes Construction for \$132,520.00. Councilor Dunn moved to approve Pay Application No. 1 & Final for Aurora Detention Pond Retaining Wall project to Kokes Construction for \$132,520.00. Councilor Phillips seconded the motion. Voting Aye: Phillips, Lohrmeyer, Lackore, Bartling and Dunn. Nay: None. Absent and not voting: Roblee. The motion carried.

7:30 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding amending Ordinance No. 1110, the Zoning ordinance to the City of Aurora, Nebraska. Consider amending Article 3, Section 303, Subsection 303.88. The proposed amendment would allow for the addition of Mining of crypto currency and/or similar processes to the definition of a Data Storage Facility. The Mayor asked if there was anyone present who wished to speak in regards to the proposed amendment and there was no one who wished to speak. There being no one present to speak in favor of or opposition to the proposed recommendation the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 1179: AN ORDINANCE TO AMEND ORDINANCE 1110, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, BY AMENDING THE FOLLOWING SECTION OF ARTICLE THREE: SECTION 303, DEFINITIONS, SUBSECTION 303.88, DATA STORAGE FACILITY; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO ORDER THE ORDINANCE PUBLISHED IN BOOK OR PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilor Phillips moved to bring Ordinance No. 1179 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Dunn seconded the motion. Voting Aye: Lohrmeyer, Lackore, Bartling, Dunn and Phillips. Nay: None. Absent and not voting: Roblee. The motion carried.

Councilor Lackore moved for final adoption of Ordinance No. 1179. Councilor Phillips seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1179 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Lackore, Bartling, Dunn, Phillips and Lohrmeyer. Nay: None. Absent and not voting: Roblee.

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.

7:33 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding a request to amend Ordinance No. 1110, the Zoning ordinance to the City of Aurora, Nebraska. Consider amending Article 4, Section 421, Line items 185 and 220. The proposed amendment would allow Trade Schools as a permitted use within the I-1 – Light Industrial District and I80X – Interstate Interchange District and as a conditional use in the C2 - General Commercial District. The Mayor asked if there was anyone present who wished to speak in regards to the proposed amendment and there was no one who wished to speak. There being no one present to speak in favor of or opposition to the proposed recommendation the Mayor declared the public hearing closed.

City Attorney Luzum read Ordinance No. 1180: AN ORDINANCE TO AMEND ORDINANCE 1110, THE ZONING ORDINANCE OF THE CITY OF AURORA, NEBRASKA, BY AMENDING THE FOLLOWING SECTION OF ARTICLE FOUR: SECTION 421, USE REGULATION MATRIX; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO ORDER THE ORDINANCE PUBLISHED IN BOOK, PAMPHLET, OR ELECTRONIC FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilor Phillips moved to bring Ordinance No. 1180 before the council and to suspend the statutory three reading rule for consideration of this Ordinance. Councilor Lackore seconded the motion. Voting Aye: Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. Absent and not voting: Roblee. The motion carried.

Councilor Dunn moved for final adoption of Ordinance No. 1180. Councilor Lackore seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1180 be passed and adopted?" Upon roll call vote, the following Councilors voted Aye: Bartling, Dunn, Phillips, Lohrmeyer and Lackore. Nay: None. Absent and not voting: Roblee.

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 regarding the Preliminary Plat of Matson Villas Subdivision, a replat of Lots 1, 2, 3, 4, 12, 13, 14, and 15, Streeter's Third Addition - Replat, City of Aurora, Hamilton County, Nebraska, a part of the Northeast Quarter (NE1/4), of Section Five (5), Township Ten (10) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska.

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

Councilor Lackore moved to accept the recommendation of the Planning Commission to approve the request from Matson Villas, LLC for the Preliminary Plat of Matson Villas Subdivision, a replat of Lots 1, 2, 3, 4, 12, 13, 14, and 15, Streeter's Third Addition - Replat, City of Aurora, Hamilton County, Nebraska, a part of the Northeast Quarter (NE1/4), of Section Five (5), Township Ten (10) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska. Councilor Dunn seconded the motion. Voting Aye: Dunn, Phillips, Lohrmeyer, Lackore and Bartling. Nay: None. Absent and not voting: Roblee. The motion carried.

7:40 P.M. PUBLIC HEARING:

Mayor Seeman opened the duly advertised public hearing to receive public comments regarding the Final Plat of Matson Villas Subdivision, a replat of Lots 1, 2, 3, 4, 12, 13, 14, and 15, Streeter's Third Addition - Replat, City of Aurora, Hamilton County, Nebraska, a part of the Northeast Quarter (NE1/4), of Section Five (5), Township Ten (10) North, Range Six (6) West of the 6th P.M., Hamilton County, Nebraska.

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

Councilor Phillips moved to approve Resolution 24-02 approving Final Plat for Matson Villas Subdivision. Councilor Lackore seconded the motion. Voting Aye: Phillips, Lohrmeyer, Lackore, Bartling and Dunn. Nay: None. Absent and not voting: Roblee. The motion carried and the following resolution was declared passed and adopted.

RESOLUTION NO. 24-02

WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the Final Plat of Matson Villas Subdivision, A Replat of Lots 1, 2, 3, 4, 12, 13, 14, and 15, Streeter's Third Addition – Replat, City of Aurora, Hamilton County, Nebraska; and

WHEREAS, said plat of Matson Villas Subdivision meets the requirements of the Subdivision Regulations of the City of Aurora, and the Statutes of the State of Nebraska; and

RESOLUTION NO. 24-02

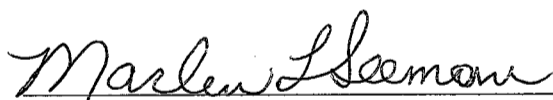
WHEREAS, the Aurora Planning Commission and the Aurora City Council have held public hearings to receive public input regarding the Final Plat of Matson Villas Subdivision, A Replat of Lots 1, 2, 3, 4, 12, 13, 14, and 15, Streeter's Third Addition – Replat, City of Aurora, Hamilton County, Nebraska; and

WHEREAS, said plat of Matson Villas 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 Matson Villas Subdivision, and the City Council on this date has voted for approval of this Subdivision; and

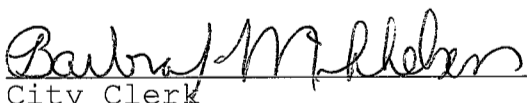
BE IT THEREFORE RESOLVED by the Mayor and City Council of the City of Aurora, Nebraska, that the Final Plat of Matson Villas Subdivision be hereby approved, and that the Mayor and City Clerk be authorized to execute the approval of said plat, and cause the same to be filed as required by law.

Passed and adopted this 9th day of January, 2024.



Mayor

ATTEST:



City Clerk

