

AGENDA FOR THE REGULAR MEETING OF
THE MAYOR AND CITY COUNCIL OF THE
CITY OF AUBURN, NEMAHA COUNTY,
NEBRASKA, TO BE HELD AT 7:00 P.M.
FEBRUARY 27, 2012

1. **PLEDGE OF ALLEGIANCE**

2. **ANNOUNCE** – “I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door.”

3. **ROLL CALL**

4. **RECOGNITION OF VISITORS***

*The Mayor may fix the time allotted for each individual or topic. A five-minute limit will apply for each speaker, unless otherwise specified. Speakers are expected to address the Council when making presentations. Speakers who feel a need to give more information than can be presented in that time frame may submit written material for distribution to City Hall; such materials should be provided so they may be included in the Council meeting packets.

The Council may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. The Council is not required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

5. **APPROVAL OF MINUTES OF PREVIOUS MEETING(S).**

6. **APPROVAL OF FINANCIAL REPORT.**

7. **CLAIMS.**

8. **APPROVAL** for Attendance at Meeting(s).

9. **APPOINTMENT(S)/REAPPOINTMENT(S) –**

- Fire Department.

10. **APPROVE** Keno Operator and sales outlet(s).

11. **REQUEST** by State Theater/Auburn Public Schools for Keno Funds.

12. **RESOLUTION** to approve use of Community Development Block Grant Commercial Rehab Funding as suggested by the Revitalization Review Committee – **Authorize** mayor to sign MOUs (Auburn 10-DTR-105).

13. **DRAWDOWN #4** Project Funds (CDBG #10-DTR-105) and related claims.

14. **DRAWDOWN #23** – Project related costs only-CDBG #09-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation) and related claims.

15. **DRAWDOWN #24** – Administration related costs only-CDBG #9-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation) and related claims.
16. **ACCEPT KAB** recommendation and **proceed** with the grant application process (12-HO- Citywide Owner-Occupied Housing Rehabilitation Program).
17. **7:10 P.M. – PUBLIC HEARING** on the Board of Public Works Reconciliation Statements for Water Departments re: adopted proprietary budget for the previous fiscal year.

Action on said public hearing.

18. **RESOLUTION** on Waiver and Fine Schedule for City Code Violations.
19. **ORDINANCE NO. 1-12** in regards to Sunday Alcohol Sales.
20. **ORDINANCE NO. 2-12** – Set Regular Meeting Date (change to 2nd Monday of the Month).
21. **REPORTS/RECOMMENDATIONS** - - From Dept. Heads.
 - a. Street Department –
 - b. Fire Department –
 - c. Police Department –
 - d. Library –
 - e. Treasurer --
22. **REPORTS/RECOMMENDATIONS** - - From Committees.
 - a. Street –
 - b. Keep Auburn Beautiful -
 - c. Economic Development –
 - d. Safety Committee –
 - e. Building Committee -
 - f. Legislative –
 - g. Other Committees & Reports –
23. **ADJOURNMENT.**

Possible Motion Format 2-27-12

1. **PLEDGE OF ALLEGIANCE**
2. **ANNOUNCE** – “I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door.”
3. **ROLL CALL**
4. **RECOGNITION OF VISITORS***
5. **APPROVAL OF MINUTES OF PREVIOUS MEETING(S).**

POSSIBLE MOTION: I move to dispense with the reading of the January 23, 2012, meeting's minutes and to approve the same as written (or as amended)

6. **APPROVAL OF FINANCIAL REPORT.**

POSSIBLE MOTION: I move to approve the financial report

7. **CLAIMS.**

POSSIBLE MOTION: I move to approve the claim submitted by Captain Handy in the amount of \$395.00

and

POSSIBLE MOTION: I move to approve the claims presented which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011

8. **APPROVAL** for Attendance at Meeting(s).

POSSIBLE MOTION: I move to allow attendance at meeting(s)/trainings as requested

9. **APPOINTMENT(S)/REAPPOINTMENT(S) – Fire Department**

POSSIBLE ACTION: Roll call on Appointment

10. **APPROVE** Keno Operator and sales outlet(s).

POSSIBLE MOTION: I move to accept the proposal of _____ for the operation of a municipal keno lottery with sales outlets at _____ subject to the approval of the written agreement between the City and the operator

11. **REQUEST** by State Theater/Auburn Public Schools for Keno Funds.

POSSIBLE MOTION: I move to approve the expenditure of \$_____ of Keno funds for a digital projector to be used at the State Theater owned by Auburn Public Schools

12. **RESOLUTION** to approve use of Community Development Block Grant Commercial Rehab Funding as suggested by the Revitalization Review Committee – **Authorize** mayor to sign MOUs (Auburn 10-DTR-105).

POSSIBLE MOTION: I move to approve the use of Auburn 10-DTR-105 Community Development Block Grant Commercial Rehab funding as suggested by the Revitalization Review Committee by the passage and adoption of Resolution No. 5-12

13. **DRAWDOWN #4** Project Funds (CDBG #10-DTR-105) and related claims.

POSSIBLE MOTION: I move to approve CDBG #10-DTR-105 Drawdown #4 in the amount of \$2,025 and the related claims

14. **DRAWDOWN #23** – Project related costs only-CDBG #09-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation) and related claims.

POSSIBLE MOTION: I move to approve CDBG #09-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation Program) Drawdown #23 in the amount of \$1,525 and the related claims.

15. **DRAWDOWN #24** – Administration related costs only-CDBG #9-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation) and related claims.

POSSIBLE MOTION: I move to approve CDBG #09-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation Program) Drawdown #24 in the amount of \$1,733 and the related claims.

16. **ACCEPT** KAB recommendation and **proceed** with the grant application process (12-HO- Citywide Owner-Occupied Housing Rehabilitation Program).

POSSIBLE MOTION: I move to accept the recommendation of KAB and proceed with the grant application process for a 2012 Citywide Owner-Occupied Housing Rehabilitation grant program

17. **7:10 P.M. – PUBLIC HEARING** on the Board of Public Works Reconciliation Statements for Water Departments re: adopted proprietary budget for the previous fiscal year. **Action** on said public hearing.

POSSIBLE MOTION: I move to approve the Board of Public Works Proprietary Function Reconciliation Statement and authorize the publication of said statement

18. **RESOLUTION** on Waiver and Fine Schedule for City Code Violations.

POSSIBLE MOTION I move to approve the Waiver and Fine Schedule for City Code Violations by the passage and adoption of Resolution No. 6-12

19. **ORDINANCE NO. 1-12** in regards to Sunday Alcohol Sales.

POSSIBLE ACTION: (Ordinance Record-Ordinance No. 1-12)

20. **ORDINANCE NO. 2-12** – Set Regular Meeting Date (change to 2nd Monday of the Month).

POSSIBLE ACTION: (Ordinance Record-Ordinance No. 2-12)

21. **REPORTS/RECOMMENDATIONS** - - From Dept. Heads.

- a. Street Department –
- b. Fire Department –
- c. Police Department –
- d. Library –
- e. Treasurer –

22. **REPORTS/RECOMMENDATIONS** - - From Committees.

- a. Street –
- b. Keep Auburn Beautiful -
- c. Economic Development –
- d. Safety Committee –
- e. Building Committee -
- f. Legislative –
- g. Other Committees & Reports –

23. **ADJOURNMENT.**

POSSIBLE MOTION: I move for adjournment to meet at the call of the Mayor

The Mayor and Council of the City of Auburn, Nemaha County, Nebraska, were called to meet at the City Hall at 1101 "J" Street on January 23, 2012, at 7:00 o'clock P.M., in Regular Meeting, open to the general public. Advance notice of said Regular Meeting, the designated method of giving notice including the agenda for said meeting, or the availability thereof having been posted at the west front door of the City Hall, at the east door of the Nemaha County Courthouse and in the Auburn State Bank, and having been transmitted to all members of the City Council, all done on or before January 20, 2012. Mayor Scott Kudrna presided over the meeting. The City Clerk of the City of Auburn, Nemaha County, Nebraska, recorded the proceedings.

The meeting was called to order by Mayor Scott Kudrna. Upon roll call, the following members of the City Council were present: Billings, Bishop, Clark, Critser, Erickson and Holtzman. Absent: No one.

Mayor Kudrna announced "I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door".

Council Member Holtzman moved to dispense with the reading of the December 27, 2011 meeting's minutes and to approve the same as written. The foregoing motion was seconded by Council Member Erickson and upon roll call vote, the following Council Members voted "YEA": Bishop, Clark, Critser, Erickson, Holtzman, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Erickson moved to approve the financial report; Seconded by Council Member Billings and upon roll call vote, the following Council Members voted "YEA": Clark, Critser, Erickson, Holtzman, Billings, and Bishop. The following voted "NAY": No one. Motion: Carried.

The following claims were presented before the Council for ratification: Captain Handy, Se-95.00; American Family Life Assurance Co., Wh-81.32; Action Technology Services Inc., Se-300.00; American Recycling & Sanitation, Se-145.00; Black Hills Energy, Ut-307-72; Blue Cross-Blue Shield, Ins-8543.66; Board of Public Works, Ut-5829.06; EnTire Recycling Inc., Su-6462.80; Five Nines Technology Group, Se-103.70; Great Western Bank, Health Savings Deposit-1400.00; Harry Bridgmon, Health Savings Deposit-1400.00; Linda Bantz, Se-309.00; Mark Harms, Ex-500.00; NE Dept. of Revenue, Sales Tax-636.92; NE Law Enforcement Training Center, Ex-80.00; Nemaha County, Se-4693.47; Region V-SENDS, Se-325.00; The Standard, Ins-366.91; Time Warner Cable, Se-189.56; Verizon Wireless, Se-52.33; Windstream, Ut-126.64; Wright Express, Su-3462.72. The following claims (not previously approved by motion or resolution) were presented: Alamar Uniforms, Su-Equip-104.67; Auburn Memorial Library Petty Cash, Su-60.37; Auburn Newspapers, Se-182.39; Baker & Taylor, Bk-223.22; Board of Public Works, Fe-626.00; Brent Lottman, Se-50.00; Bulldog Auto Parts, Su-175.13; Cash-Wa Distributing Co., Su-64.89; Consolidated Management Co., Ex-69.75; Data Technologies Inc., Su-125.97; Demco, Su-29.94; Eakes Office Plus, Su-256.37; Eggers Brothers Inc., Su-152.41; Filter Care, Se-12.70; Five Nines Technology Group, Se-25.00; Follett Software Company, Se-829.00; GT Distributors Inc., Ex-325.01; JEO Consulting Group Inc., Se-4000.00; Lynch's Hardware & Gifts, Se-3.38; Massman Nelson Reinig PC, Se-10000.00; Mellage Repair, Se-457.19; Meyer-Earp Chevrolet, Se-119.85; Microfilm Imaging Systems Inc., Se-695.00; NE State Historical Society, Mem-40.00; Nebraska Library Commission, Se-827.91; Orscheln, Su-133.83; Pamida Inc., Su-30.41; Postmaster, Su-90.00; Reiman Publications, Bk-30.98; Ryland Manufacturing, Su-Se-3500.00; Schneider OK Tire Store Inc., Se-105.00; Scott Kudrna, Reim-56.26; Southeast NE Development District, Se-1987.13; Sunmart, Su-118.74; Time Warner Cable, Ut-Se-248.26; Town & Country Vet Clinic, Se-35.00; Tri-State Office Products, Su-64.58; Xerox Corporation, Su-Se-272.74.

Abbreviations for this legal: AV-Audio Visual; Bk-Book; Contrib-Contribution; Equip-Equipment; Ex-Expense; Fe-Fee; Ins-Insurance; Inspect-Inspection; Int-Interest; Inv-Economic Development Investment; Lic-Licenses; Maint-Maintenance; Mem-Membership; Pen-Pension; Per-Periodical; Re-Repairs; Ref-Reference Materials; Reg-Registration; Reim-Reimbursement; Se-Service; Su-Supplies, Material & Parts; Sub-Subscription; UA-Uniform Allowance; Ut-Utilities; Wh-Withholding.

Council Member Erickson moved to approve the claim submitted by Captain Handy in the amount of \$95.00. The foregoing motion was seconded by Council Member Bishop and upon roll call vote, the following Council Members voted "YEA": Critser, Erickson, Billings, Bishop, and Clark. The following voted "NAY": No one. Council Member Holtzman abstained from voting. Motion: Carried.

Council Member Erickson moved to approve the claims which have not been previously approved by motion or resolution and ratify the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011. The foregoing motion was seconded by Council Member Bishop and upon roll call vote, the following Council Members voted "YEA": Erickson, Holtzman, Billings, Bishop, Clark, and Critser. The following voted "NAY": No one. Motion: Carried.

Lee Conner presented the request by the Auburn Eagles to have a July 4th public fireworks display on public property located at Irvin Park and the Auburn High School. Council Member Billings moved to approve the request by the Auburn Eagles to have the July 4th public fireworks display on the property located at Irvin Park and the Auburn High School contingent upon Auburn School District #29 approval. The foregoing motion was seconded by Council Member Holtzman and upon roll call vote, the following Council Members voted "YEA": Holtzman, Billings, Bishop, Clark, Critser, and Erickson. The following voted "NAY": No one. Motion: Carried.

Approval was requested for the following meetings/trainings: Attendance at the League of Nebraska Municipalities Mid Winter Conference to be held in February and Nebraska Municipal Clerk Academy to be held in March. Council Member Holtzman moved to allow attendance at meetings/trainings as requested; Seconded by Council Member Erickson and upon roll call vote, the following Council Members voted "YEA": Billings, Bishop, Clark, Critser, Erickson, and Holtzman. The following voted "NAY": No one. Motion: Carried.

Mayor Kudrna appointed Tom Gulizia to the Board of Public Works; appointed Bob Hemmingsen to the Library Board; reappointed Joe Moody and Fred Obermeyer as members to the Board of Adjustment and Ron Jones as an alternate member on the Board of Adjustment. Upon calling the roll, the following Council Members voted "YEA": Bishop, Clark, Critser, Erickson, Holtzman, and Billings. The following voted "NAY": No one. Appointments/Reappointments: Confirmed.

Public hearing was held to consider the request by El Portal Auburn Inc. for a Class I – Beer, Wine Distilled Spirits, On Sale Only Liquor License at 1905 J Street, Auburn, Nebraska. There wasn't any opposition to the request. Following the public hearing, Council Member Erickson moved to approve the Class I – Beer, Wine Distilled Spirits, On Sale Only Liquor License for El Portal Auburn Inc. at 1905 J Street. The foregoing motion was seconded by Council Member Bishop and upon roll call vote, the following Council Members voted "YEA": Clark, Critser, Erickson, Holtzman, Billings, and Bishop. The following voted "NAY": No one. Motion: Carried.

Public hearing was held to consider the proposed Six Year Road and Street Plan for the City of Auburn. Evan Wickersham with JEO Consulting Group Inc. presented the plan. There was no opposition to the plan. The public hearing was closed. The following resolution was introduced by Council Member Erickson, who moved its adoption, and seconded by Council Member Holtzman.

RESOLUTION NO. 1-12

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

WHEREAS, a public meeting was held on the 23rd day of January, 2012, to present this plan and there were no objections to said plan;

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

The following Council Members voted “YEA”: Critser, Erickson, Holtzman, Billings, and Bishop. The following voted “NAY”: Clark.

Following discussion and input from Fire Department Trustee Jeff Jeanneret, Council Member Clark moved to approve the expenditure of \$5000 of Keno funds for kitchen remodeling at the fire hall. The foregoing motion was seconded by Council Member Critser and upon roll call vote, the following Council Members voted “YEA”: Holtzman, Bishop, Clark, and Critser. The following voted “NAY”: Erickson and Billings. Motion: Carried.

Discussion was held regarding the plan for a crosswalk across Highway 136 near the Auburn High School/Middle School Campus.

Carla Mason presented the request by State Theater/Auburn Public Schools for Keno funds up to \$63,000 for the purchase of a digital projector and discussion was held. Council Member Erickson moved to table action on the request. The foregoing motion was seconded by Council Member Clark and upon roll call vote, the following Council Members voted “YEA”: Clark, Critser, and Erickson. The following voted “NAY”: Holtzman, Billings, and Bishop. There being a tie vote the Mayor cast his vote which was in favor of the motion to table. Motion: Tabled.

Discussion was held regarding the possible transfer of real estate to the City by the Auburn Development Council Inc. so that said real estate may be sold at auction by the City and any remaining deficiency on the related loan with the City after receiving proceeds from said sale may be forgiven and released by the City. Council Member Bishop moved to approve Resolution No. 2-12; Seconded by Council Member Holtzman and upon roll call vote, the following Council Members voted “YEA”: Billings, Bishop, Clark, Critser, Erickson, and Holtzman. The following voted “NAY”: No one. Motion: Carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO.2-12

Of

THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA,

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL ESTATE TO THE CITY BY THE AUBURN DEVELOPMENT COUNCIL INC. (ADC) SO THAT SAID REAL ESTATE MAY BE SOLD AT AUCTION BY THE CITY AND ANY REMAINING DEFICIENCY ON ADC’S LOAN WITH THE CITY AFTER RECEIVING PROCEEDS FROM SAID SALE MAY BE FORGIVEN AND RELEASED BY THE CITY.

WHEREAS, The Auburn Development Council Inc. (ADC) has notified the City by letter correspondence, dated January 4, 2012, that on said date, the Auburn Development Council Inc. took formal action and approved transferring the real estate legally described in Exhibit “A”, attached hereto and incorporated herein by this reference, to the City so that it may be sold at public auction by the City;

WHEREAS, The Auburn Development Council Inc. is requesting as a condition of transfer of the real estate identified in Exhibit “A” herein that the City forgive Auburn Development Council Inc. of any deficiency of funds remaining owed by Auburn Development Council Inc. after the proposed sale of real estate pursuant to the terms of Auburn CDBG ED-RLF ReUse Loan #95-05-Re-03, current loan amount of \$49,583.50;

WHEREAS, the City of Auburn desires to sell real estate legally described in Exhibit “A” attached hereto;

WHEREAS, pursuant to the provisions of City Code Section 92.08 of the City of Auburn, the City hereby directs the sale of said property to be at public auction;

WHEREAS, the City understands that the fair market value of said real estate is greater than \$5,000.00;

WHEREAS, the City reserves the right to reject any and all bids;

WHEREAS, confirmation of the sale of said real estate shall be made by passage of an Ordinance;

WHEREAS, the above identified property shall be sold at public auction after publication and the thirty (30) day right-of-remonstrance period;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Auburn, Nebraska, that the City hereby accepts the transfer of real estate legally described in Exhibit "A", attached hereto, to the City of Auburn, so that said real estate may be sold at auction on or about the same date and time as Lots 106 and 107, Crestview Addition to Auburn, Nebraska;

BE IT FURTHER RESOLVED that the terms of the sale are twenty percent (20%) of purchase price paid on the day of the sale with the remainder due within thirty (30) days of confirmation of the sale by passing of ordinance;

BE IT FURTHER RESOLVED notice of the proposed sale of City owned real property shall be published once each week for three (3) consecutive weeks in The Nemaha County Herald with the final notice published at least 7 days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Notice of sale shall also be posted in three (3) prominent places within the City of Auburn, for a period of not less than 7 days prior to the sale of the property;

BE IT FURTHER RESOLVED the Mayor is authorized to sign any necessary agreements or contracts on behalf of the City of Auburn in carrying out the provisions herein;

BE IT FURTHER RESOLVED that a minimum price for which bidding shall begin on said real estate shall be \$0;

BE IT FURTHER RESOLVED that the City reserves the right to reject any and all bids;

BE IT FURTHER RESOLVED that the City will order and provide a title insurance policy insuring marketable title to the purchaser upon the request of the purchaser on the day of the auction. The cost of the title Insurance policy shall be split 50/50, and shall be paid at closing;

BE IT FURTHER RESOLVED that the Mayor and City Clerk will give a Warranty Deed to the Purchaser upon payment of the full purchase price. All payments shall be made by cash or certified funds. Possession will be given to the purchaser upon making full payment at closing;

BE IT FURTHER RESOLVED that real estate taxes on said property will be prorated to the date of closing;

BE IT FURTHER RESOLVED that the City shall forgive and release Auburn Development Council Inc. of any deficiency of funds under CDBG ED-RLF ReUse Loan #95-05-Re-03, after the sale of the real estate herein described;

BE IT FURTHER RESOLVED that any and all proceeds from the sale of real estate described in Exhibit "A" attached hereto shall go back into the CDBG ED ReUse Program Income account as program income and any deficiency of the original loan amount shall be determined uncollectable by the City.

EXHIBIT "A"

Lots Eleven (11) and Twelve (12), Block Twenty-Nine (29) in Sheridan, now Auburn, Nemaha County, Nebraska;

Lot Nine (9) of Block Twenty-Nine (29), Sheridan Addition, City of Auburn, Nemaha County, Nebraska;

Lot Ten (10) in Block Twenty-Nine (29) in Sheridan, now Auburn, Nemaha County, Nebraska.

Council Member Erickson moved that approval be given for Dick Stich (Associate Broker and Auctioneer with Bulldog Realty and Property Management) to sell at public auction Lots 9-10-11-12, Block 29, Sheridan Addition and Lots 106-107, Crestview Addition on April 7, 2012 at the 4-H Building in Auburn with the time to be confirmed for around 10:00 a.m. The foregoing motion was seconded by Council Member Critser and upon roll call vote, the following Council Members voted "YEA": Bishop, Clark, Critser, Erickson, Holtzman, and Billings. The following voted "NAY": No one. Motion: Carried.

Council Member Erickson moved that the City sell six park metal picnic tables by the passage and adoption of Resolution No. 3-12. The foregoing motion was seconded by Council Member Bishop and upon roll call vote, the following Council Members voted "YEA": Clark, Critser, Erickson, Holtzman, Billings, and Bishop. The following voted "NAY": No one. Motion: Carried. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO.3-12
OF
THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA**

A Resolution for the sale of personal property owned by the City of Auburn, Nebraska by a sealed bid process.

WHEREAS, the City of Auburn desires to sell personal property described as shown in Exhibit "A" attached hereto, and incorporated herein by this reference;

WHEREAS, pursuant to the provisions of City Code Section 92.08 of the City of Auburn, the City hereby directs the sale of said property to be by sealed bid process;

WHEREAS, the City understands that the fair market value of said property is less than \$5,000.00;

WHEREAS, the City reserves the right to reject any and all bids;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council, of the City of Auburn, Nebraska, that:

1. The personal property owned by the City of Auburn, Nebraska, described as shown in Exhibit "A" attached hereto, shall be sold by sealed bid upon proper notice being given by the City;

2. That said property will not be sold for under a minimum bid of \$375 per single table or \$2,000 for all six tables;

3. That possession of said property shall be transferred upon payment of full purchase price after acceptance of bid;

4. That the Mayor is authorized to accept the final bid, and sign any necessary agreements or contracts on behalf of the City of Auburn in carrying out the provisions herein;

5. That the BUYER shall be responsible for pick up and removal of said property unless otherwise agreed between the BUYER and the City;

6. That bid price does not include sales tax and applicable sales tax shall be added to the bid at the time of payment;

7. That the City Council reserves the right to reject any or all bids, in whole or in part, for whatever reason;

8. That notice of the proposed sale of city owned personal property shall give a general description of the property offered for sale and state the terms and conditions of sale. Notice of sale shall be posted in three (3) prominent places within the City of Auburn, for a period of not less than 7 days prior to the sale of the property;

9. That all sales are final and property is sold "AS IS";

10. That bids shall include the full names of the proposed purchaser(s), with a full mailing address and contact number. Bids shall be submitted by sealed envelope to the Auburn City Hall, 1101 "J" Street, Auburn, NE. 68305, on or before 12:00 p.m. (Noon) on Friday, April 13, 2012.

Exhibit "A"

Six (6) City Park Metal Picnic Tables.

Council Member Holtzman moved to approve CDBG #09-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation Program) Drawdown #22 in the amount of \$1,790 and the related claims. The foregoing motion was seconded by Council Member Bishop and upon roll call vote, the following Council Members voted "YEA": Critser, Erickson, Holtzman, Billings, Bishop, and Clark. The following voted "NAY": No one. Motion: Carried.

Council Member Bishop moved to approve CDBG #10-DTR-105 Drawdown #3 in the amount of \$2,681 and the related claims. The foregoing motion was seconded by Council Member Erickson and upon roll call vote, the following Council Members voted "YEA": Erickson, Holtzman, Billings, Bishop, Clark, and Critser. The following voted "NAY": No one. Motion: Carried.

Council Member Erickson moved to approve the use of Auburn 10-DTR-105 Community Development Block Grant Commercial Rehab funding as suggested by the Revitalization Review Committee by the passage and adoption of Resolution No. 4-12. The foregoing motion was seconded by Council Member Bishop and upon roll call vote, the following Council Members voted "YEA": Billings, Bishop, Clark, Critser, and Erickson. The following voted "NAY": Holtzman. Motion: Carried. A true, correct and complete copy of said resolution is as follows:

RESOLUTION NO. 4-12 ·

CommRehabGrant&Loans

Aub 10-DTR-105

TO APPROVE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT COMMERCIAL REHAB FUNDING AS SUGGESTED BY THE REVITALIZATION REVIEW COMMITTEE

SUGGESTED ACTIONS OF REVITALIZATION REVIEW COMMITTEE ON JANUARY 23, 2012:

Property #12 (1916 O Street): grant \$3,000.00, match of \$1,000.00

WHEREAS, the City of Auburn, Nebraska has received a previous Community Development Block Grant for commercial rehabilitation and,

WHEREAS, CDBG funds for commercial rehabilitation are to be used for making grants and loans to private businesses and property owners in accordance with the City's CDBG Downtown Revitalization Plan, program, and governing regulations, and,

WHEREAS, the City has previously adopted an amended Downtown Revitalization Plan meeting the requirements of the Community Development Block Grant program and,

WHEREAS, the City of Auburn CDBG Revitalization Review Committee, has recommended commercial rehabilitation applications presented by three area property owners as spelled out in the Memorandum of Understanding (MOU) to finance construction for the commercial rehab of the five round-one properties, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn, Nebraska hereby approves a total granted amount of \$3,000.00 to the lone Round #3 applicant subject to the City's CDBG Downtown Revitalization Plan, program guidelines and regulatory provisions governing the Downtown Revitalization Plan and subject to the specific MOU's signed regarding each applicant.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Auburn, that the Mayor is hereby authorized and directed to execute all necessary and appropriate documents on behalf of the City of Auburn to effect acceptance of the suggested grant and loan amounts, contingent upon approval of the property owners and City Attorney as to form.

The current fee schedule for ordinance violations was presented for review.

A report on the effectiveness and performance of the park camera was given.

Reports were given by the following department heads: library, fire department, street department, police department and City Treasurer.

The following committees provided reports: Street, Safety, and Ordinance. A written financial report was provided by the Auburn Community Redevelopment Authority.

There being no further business to come before the Mayor and Council, Council Member Holtzman moved for adjournment to meet at the call of the Mayor. Council Member Erickson seconded the foregoing motion and upon roll call vote, the following Council Members voted "YEA": Billings, Bishop, Clark, Critser, Erickson, and Holtzman. The following voted "NAY": No one. Motion: Carried.

Mayor Kudrna declared the meeting adjourned.

Scott Kudrna, Mayor

ATTEST:

Sherry Heskett, City Clerk

STATE OF NEBRASKA)
COUNTY OF NEMAHA) ss.
CITY OF AUBURN)

I, the undersigned, City Clerk for the City of Auburn, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on January 23, 2012; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Sherry Heskett, City Clerk

City Council Proceedings
January 23, 2012

The Mayor and Council of the City of Auburn, Nemaha County, Nebraska, were called to meet at the City Hall at 1101 "J" Street on January 23, 2012, at 7:00 o'clock P.M., in Regular Meeting, open to the general public.

The meeting was called to order by Mayor Scott Kudrna. Upon roll call, the following members of the City Council were present: Billings, Bishop, Clark, Critser, Erickson and Holtzman. Absent: No one.

Mayor Kudrna announced "I am required by law to inform the public that a copy of the Open Meetings Act is posted on the North wall of these Chambers by the entrance door".

Council approved the December 27, 2011 meeting's minutes as written.

The City Council approved the financial report.

The following claims were presented before the Council for ratification: Captain Handy, Se-95.00; American Family Life Assurance Co., Wh-81.32; Action Technology Services Inc., Se-300.00; American Recycling & Sanitation, Se-145.00; Black Hills Energy, Ut-307.72; Blue Cross-Blue Shield, Ins-8543.66; Board of Public Works, Ut-5829.06; EnTire Recycling Inc., Su-6462.80; Five Nines Technology Group, Se-103.70; Great Western Bank, Health Savings Deposit-1400.00; Harry Bridgmon, Health Savings Deposit-1400.00; Linda Bantz, Se-309.00; Mark Harms, Ex-500.00; NE Dept. of Revenue, Sales Tax-636.92; NE Law Enforcement Training Center, Ex-80.00; Nemaha County, Se-4693.47; Region V-SENDs, Se-325.00; The Standard, Ins-366.91; Time Warner Cable, Se-189.56; Verizon Wireless, Se-52.33; Windstream, Ut-126.64; Wright Express, Su-3462.72. The following claims (not previously approved by motion or resolution) were presented: Alamar Uniforms, Su-Equip-104.67; Auburn Memorial Library Petty Cash, Su-60.37; Auburn Newspapers, Se-182.39; Baker & Taylor, Bk-223.22; Board of Public Works, Fe-626.00; Brent Lottman, Se-50.00; Bulldog Auto Parts, Su-175.13; Cash-Wa Distributing Co., Su-64.89; Consolidated Management Co., Ex-69.75; Data Technologies Inc., Su-125.97; Demco, Su-29.94; Eakes Office Plus, Su-256.37; Eggers Brothers Inc., Su-152.41; Filter Care, Se-12.70; Five Nines Technology Group, Se-25.00; Follett Software Company, Se-829.00; GT Distributors Inc., Ex-325.01; JEO Consulting Group Inc., Se-4000.00; Lynch's Hardware & Gifts, Se-3.38; Massman Nelson Reinig PC, Se-10000.00; Mellage Repair, Se-457.19; Meyer-Earp Chevrolet, Se-119.85; Microfilm Imaging Systems Inc., Se-695.00; NE State Historical Society, Mem-40.00; Nebraska Library Commission, Se-827.91; Orscheln, Su-133.83; Pamida Inc., Su-30.41; Postmaster, Su-90.00; Reiman Publications, Bk-30.98; Rylind Manufacturing, Su-Se-3500.00; Schneider OK Tire Store Inc., Se-105.00; Scott Kudrna, Reim-56.26; Southeast NE Development District, Se-1987.13; Sunmart, Su-118.74; Time Warner Cable, Ut-Se-248.26; Town & Country Vet Clinic, Se-35.00; Tri-State Office Products, Su-64.58; Xerox Corporation, Su-Se-272.74.

Abbreviations for this legal: AV-Audio Visual; Bk-Book; Contrib-Contribution; Equip-Equipment; Ex-Expense; Fe-Fee; Ins-Insurance; Inspect-Inspection; Int-Interest; Inv-Economic Development Investment; Lic-Licenses; Maint-Maintenance; Mem-Membership; Pen-Pension; Per-Periodical; Re-Repairs; Ref-Reference Materials; Reg-Registration; Reim-Reimbursement; Se-Service; Su-Supplies, Material & Parts; Sub-Subscription; UA-Uniform Allowance; Ut-Utilities; Wh-Withholding.

The City Council approved the claim submitted by Captain Handy in the amount of \$95.00. Council Member Holtzman abstained from voting on said claim.

The City Council approved the claims which have not been previously approved by motion or resolution and ratified the ordinary and necessary expenses allowed and in accordance with Resolution No. 7-11 that was approved February 28, 2011.

The request by the Auburn Eagles to have the July 4th public fireworks display on the property located at Irvin Park and the Auburn High School contingent upon Auburn School District #29 approval was approved.

Approval was given for attendance at the League of Nebraska Municipalities Mid Winter Conference to be held in February and the Nebraska Municipal Clerk Academy to be held in March.

The Council confirmed the appointment of Tom Gulizia to the Board of Public Works; the appointment of Bob Hemmingsen to the Library Board; and the reappointment of Joe Moody and Fred Obermeyer as members to the Board of Adjustment and Ron Jones as an alternate member

on the Board of Adjustment.

Public hearing was held to consider the request by El Portal Auburn Inc. for a Class I – Beer, Wine Distilled Spirits, On Sale Only Liquor License at 1905 J Street, Auburn, Nebraska. There wasn't any opposition to the request. Following the public hearing, the request by El Portal Auburn Inc. for a Class I – Beer, Wine Distilled Spirits, On Sale Only Liquor License at 1905 J Street, Auburn, Nebraska was approved.

Public hearing was held to consider the proposed Six Year Road and Street Plan for the City of Auburn. Following the public hearing on a vote of five Council Members (Critser, Erickson, Holtzman, Billings, and Bishop) voting in favor and one Council Member (Clark) voting against, the Six Year Road and Street Plan was approved by the passage and adoption of Resolution No. 1-12.

With four Council Members (Holtzman, Bishop, Clark, and Critser) voting in favor and two Council Members (Erickson, and Billings) voting against, approval was given for the expenditure of \$5000 of Keno funds for kitchen remodeling at the fire hall.

Discussion was held regarding the plan for a crosswalk across Highway 136 near the Auburn High School/Middle School Campus.

Discussion was held regarding the request by the State Theater/Auburn Public Schools for Keno funds in an amount up to \$63,000 for the purchase of a digital projector. After three Council Members (Clark, Critser, and Erickson) voted in favor of a motion to table action on said request and three Council Members (Holtzman, Billings, and Bishop) voted against the motion to table, Mayor Kudrna cast his vote in favor and action was tabled.

The passage and adoption of Resolution No. 2-12 approved the transfer of real estate to the City by the Auburn Development Council Inc. so that said real estate may be sold at auction by the City and any remaining deficiency on the related loan with the City after receiving proceeds from said sale may be forgiven and released by the City.

Approval was given for Dick Stich (Associate Broker and Auctioneer with Bulldog Realty and Property Management) to sell Lots 9-10-11-12, Block 29, Sheridan Addition and Lots 106-107, Crestview Addition at public auction on April 7, 2012 at the 4-H Building in Auburn with the time to be confirmed for around 10:00 a.m.

The sale of six metal picnic tables that are no longer needed in the city parks was approved by the passage and adoption of Resolution No. 3-12.

CDBG #09-HO-6047 (Citywide Owner-Occupied Housing Rehabilitation Program) Drawdown #22 in the amount of \$1,790 and the related claims were approved.

CDBG #10-DTR-105 (Downtown Revitalization) Drawdown #3 in the amount of \$2,681 and the related claims were approved.

With five Council Members (Billings, Bishop, Clark, Critser, and Erickson) voting in favor and one Council Member (Holtzman) voting against, the use of Auburn 10-DTR-105 Community Development Block Grant Commercial Rehab funding as suggested by the Revitalization Review Committee was approved by the passage and adoption of Resolution No. 4-12.

The current fee schedule for ordinance violations was presented for review.

A report on the effectiveness and performance of the park camera was given.

Reports were given by the following department heads: library, fire department, street department, police department and City Treasurer.

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The following committees provided reports: Street, Safety, and Ordinance. A written financial report was provided by the Auburn Community Redevelopment Authority.

There being no further business to come before the Mayor and Council, the City Council adjourned.

Sherry Heskett
City Clerk

J. Scott Kudrna
Mayor

A complete copy of the minutes is available for inspection at City Hall.

AGENDA ITEM
 NO 6

| ACCOUNT TITLE | LAST REPORT ON HAND | RECEIVED | DISBURSED | BALANCE |
|------------------------------|------------------------|------------|------------|--------------|
| GENERAL CHECKING | 247,747.66 | 89,690.63 | 76,588.12 | 260,850.17 |
| STREET CHECKING | 48,234.55 | 34,741.23 | 25,636.07 | 57,339.71 |
| STREET BOND/WARRANT CHECKING | 95,424.69 | 5,059.61 | 5,721.25 | 94,763.05 |
| TOTAL CHECKING: | 391,406.90 | 129,491.47 | 107,945.44 | 412,952.93 |
| TOTAL NSF A/R | .00 | .00 | .00 | .00 |
| TOTAL FIRE DEPT SINKING | 8,920.82 | .00 | .00 | 8,920.82 |
| TOTAL KENO OPER CHECKING: | .00 | .00 | .00 | .00 |
| TOTAL KENO RESERVE MMA: | 50,014.55 | 8.47 | .00 | 50,023.02 |
| TOTAL KENO CHECKING | 71,379.76 | 9.07 | 183.00 | 71,205.83 |
| TOTAL CDBG CHECKING | 7,967.59 | 1,986.90 | 1,987.13 | 7,967.36 |
| TOTAL CDBG ED MMA: | 3,813.13 | 167.32 | 286.90 | 3,693.55 |
| TOTAL CDBG HD SAVINGS: | 4,448.06 | 467.27 | .00 | 4,915.33 |
| TOTAL CRA CHECKING | 342,873.07 | 10,956.80 | 991.92 | 352,837.95 |
| TOTAL CITY REC CHECKING | 63,947.21 | .00 | .00 | 63,947.21 |
| GENERAL CD #23810 | 75,000.00 | | | 75,000.00 |
| SPEC PROJECT CD #23925 | 75,000.00 | | | 75,000.00 |
| GENERAL CD #23924 | 50,000.00 | | | 50,000.00 |
| GENERAL CD #23926 | 50,000.00 | | | 50,000.00 |
| GENERAL CD #23927 | 50,000.00 | | | 50,000.00 |
| GENERAL CD #23928 | 50,000.00 | | | 50,000.00 |
| TOTAL C.D.'S: | 350,000.00 | .00 | .00 | 350,000.00 |
| TOTAL CASH ON HAND: | 1,294,771.09 | 143,087.30 | 111,394.39 | 1,326,464.00 |

REPORT NOTATION: Please remember that the "Reference" field of this report is not large enough to print a description of each invoice being paid to the Vendor. Examples include but are not limited to: Board of Public Works. For a full description, please contact me.

Sherry Heskett

| VENDOR NAME | REFERENCE | VENDOR TOTAL |
|--------------------------------|-----------------------------|--------------|
| | GENERAL FUND | |
| | ADMIN | |
| AMERICAN FAMILY LIFE ASSUR CO | AFLAC INS WH GEN | 54.80 |
| VERIZON WIRELESS | ACCT #383064839-00001 | 52.40 |
| | ADMIN | 107.20 |
| | POLICE DEPARTMENT | |
| ACTION TECHNOLOGY SERVICES INC | CONTRATCTED NET SERVICE | 300.00 |
| CONSOLIDATED MANAGE CO | J NEEMAN MEALS FOR TRAINING | 74.00 |
| | POLICE DEPARTMENT | 374.00 |
| | FIRE DEPARTMENT | |
| THE STANDARD | 00-140489 FIRE DEPT | 373.21 |
| | FIRE DEPARTMENT | 373.21 |
| | GENERAL FUND | 854.41 |
| | STREET FUND | |
| | ADMIN | |
| AMERICAN FAMILY LIFE ASSUR CO | AFLAC INS WH ST | 26.52 |
| | ADMIN | 26.52 |
| | STREET FUND | 26.52 |
| | STREET BOND/WARRANT FUND | |
| | ADMIN | |
| AUBURN STATE BANK | BONDS DATED 9-01-09 | 5,721.25 |
| | ADMIN | 5,721.25 |
| | STREET BOND/WARRANT FUND | 5,721.25 |
| | KENO FUND | |
| | KENO BETTERMENT | |
| NE DEPT. OF REVENUE | OCT-DEC 2011 FORM 51 C | 183.00 |

AGENDA ITEM
NO 7

| VENDOR NAME | REFERENCE | VENDOR TOTAL |
|-------------|--------------------|-----------------|
| | | ===== |
| | KENO BETTERMENT | 183.00 |
| | | ===== |
| | KENO FUND | 183.00 |
| | | ===== |
| **** PAID | TOTAL **** | 6,785.18 |
| | | ===== |
| ***** | REPORT TOTAL ***** | 6,785.18 |
| | | ===== |